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FEDERAL REGISTER

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Title 3—THE PRESIDENT

Proclamation 3605

GENERAL PULASKI'S MEMORIAL DAY, 1964

By the President of the United States of America

A Proclamation

WHEREAS during the American war for independence a young Polish patriot in exile, Count Casimir Pulaski, joined and fought brilliantly with the Continental Army, was promoted by Congress to brigadier general and commander of cavalry, and organized and commanded a corps called the Pulaski Legion; and

WHEREAS General Pulaski died on October 11, 1779, of a wound received two days earlier while leading a cavalry charge in the city of Savannah, Georgia; and

WHEREAS it is appropriate that we should continue to take pride in General Pulaski's devotion to our Nation and to the cause of universal freedom by marking the one hundred and eighty-fifth anniversary of his death; and

WHEREAS this occasion reminds us of the great contributions made to the progress and security of this Nation by our many citizens of Polish origin; and

WHEREAS it is fitting that we acknowledge our debt to General Pulaski and his countrymen and honor the memory of this gallant Polish patriot:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Sunday, October 11, 1964, as General Pulaski's Memorial Day; and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day. I also invite the people of the United States to observe the day with appropriate ceremonies in honor of the memory of General Pulaski and the noble cause for which he gave his life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this Fifteenth day of August in the year of our Lord nineteen hundred and sixty-four, and [SEAL] of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-8455; Filed, Aug. 18, 1964; 10:35 a.m.]

Proclamation 3606

NATIONAL FREEDOM FROM HUNGER WEEK, 1964

By the President of the United States of America

A Proclamation

WHEREAS the United States, as a member of the Food and Agriculture Organization of the United Nations, is participating with over one hundred other countries of the world in the international Freedom from Hunger Campaign; and

WHEREAS the American Freedom from Hunger Foundation has been established to provide citizen leadership for the Campaign in the United States; and

WHEREAS the farmers of this Nation have produced an abundance of food which this country is willing to share with others; and

WHEREAS industry and labor organizations of this Nation have demonstrated their concern with the world-wide problem of hunger through their willingness to share their technical knowledge and other resources with the developing countries; and

WHEREAS the people of the United States have also demonstrated their concern with this world-wide problem through their generous support of overseas assistance programs of religious organizations, voluntary agencies, and private groups and foundations, and through Food For Peace and other governmental programs; and

WHEREAS there is a need for a rededication of men's minds and hearts to the inspiring possibilities of working together to free the world from hunger:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week of November 15 through November 21, 1964, as National Freedom from Hunger Week.

I ask the American Freedom from Hunger Foundation to take national leadership in planning appropriate observance of National Freedom from Hunger Week; and I urge all Americans to cooperate with the Foundation and to participate actively in the observance of that week.

I direct the departments and agencies of the Federal Government which have responsibilities in the field of food, nutrition, and international relations to take appropriate steps to observe, and to cooperate with private groups in observing, National Freedom from Hunger Week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this Fifteenth day of August in the year of our Lord nineteen hundred and sixty-four, and [SEAL] of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-8456; Filed, Aug. 18, 1964; 10:35 a.m.]

Executive Order 11165

SETTING ASIDE FOR THE USE OF THE UNITED STATES CERTAIN PUBLIC LANDS AND OTHER PUBLIC PROPERTY LOCATED AT THE FORT SHAFTER MILITARY RESERVATION, HAWAII

By virtue of the authority vested in me by section 5(d) of the Act of March 18, 1959, providing for the admission of the State of Hawaii into the Union (73 Stat. 5), and as President of the United States, it is hereby ordered as follows—

1. All lands and other property hereinafter described, being lands and property which were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July 7, 1898 (30 Stat. 750), or which have been acquired in exchange for lands or properties so ceded, are hereby set aside for the use of the United States* in fee simple subject to valid existing rights, and subject to the provisions of paragraph numbered 2 of this Order with respect to Parcel B—

TRACT G OF FORT SHAFTER MILITARY RESERVATION

PARCEL A

Being Remnant "A" of Federal Aid Secondary Project No. S–0720(1), being also a portion of Presidential Executive Order 5607, dated April 22, 1931 (Amending Presidential Executive Order 5132, dated June 6, 1929), situate at Kahauiki, Oahu, Hawaii, and a portion of Moanalua Road, situate at Moanalua, Oahu, Hawaii.

Beginning at the east corner of this piece of land, being also the north corner of Remnant "B" on the northeast boundary of Presidential Executive Order 5607, the coordinates of the said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 7,783.56 feet South and 7,424.74 feet East, thence running by azimuths measured clockwise from true South:

1. 131°32′ 276.00 feet along the remainder of P.E.O. 5607, along the new northeast side of Moanalua Road, Project No. S–0720(1);
2. 127°49′ 138.36 feet along same;
3. 123°46′ 88.44 feet along same;
4. 122°55′ 112.11 feet along same;
5. 115°45′ 97.15 feet along same;
6. 104°39′ 127.90 feet along same;
7. 105°57′ 345.43 feet along same;
8. 95°58′ 75.44 feet along same;
9. 91°35′ 16.61 feet along the remainder of the present Moanalua Road, along the new northeast side of Moanalua Road. Project No. S–0720 (1);
10. 253°51′ 12.40 feet along the present northwest side of Moanalua Road, along Parcel 1 of P.E.O. 4545;
11. 191°03′59″ 4.43 feet along the Kahauiki-Moanalua boundary, along the west end of P.E.O. 5607;
12. Thence along the northeast side of P.E.O. 5607 along Fort Shafter Military Reservation, P.E.O. 2521, on a curve to the right with a radius of 517.61 feet, the chord azimuth and distance being 275°47′04″ 184.48 feet;
13. 286°03′ 193.77 feet along the northeast side of P.E.O. 5607, along Fort Shafter Military Reservation, P.E.O. 2521;
14. Thence along same on a curve to the right with a radius of 1,457.77 feet, the chord azimuth and distance being 300°36′30″ 732.86 feet;
15. Thence along same on a curve to the right with a radius of 1,440.54 feet, the chord azimuth and distance being 318°18′57″ 158.27 feet to the point of beginning and containing an area of 24,710 square feet, or 0.567 acre, more or less.

PARCEL B

Being Remnant "B" of Federal Aid Secondary Project No. S–0720(1), being also a portion of Presidential Executive Order 5607, dated April 22, 1931 (Amending Presidential Executive Order 5132, dated June 6, 1929), situate at Kahauiki, Oahu, Hawaii.

Beginning at the north corner of this piece of land, being also the east corner of Remnant "A," on the northeast side of P.E.O. 5607, the coordinates of the said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 7,783.56 feet South and 7,424.74 feet East, thence running by azimuths measured clockwise from true South:

1. Along the northeast boundary of P.E.O. 5607, along Fort Shafter Military Reservation, P.E.O. 2521, on a curve to the right with a radius of 1,440.54 feet, the chord azimuth and distance being 327°03′12″ 280.56 feet;
2. 146°46′30″ 221.60 feet along the remainder of P.E.O. 5607, along the new northeast side of Moanalua Road, Project No. S–0720(1);
3. 148°06′ 58.98 feet along same to the point of beginning and containing an area of 1,i32 square feet, or 0.033 acre, more or less.

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*See the Act of December 23, 1963 (77 Stat. 472).

2. Parcel B shall be subject to use by the State of Hawaii and its assigns for non-exclusive rights-of-way for access and utility purposes.

LYNDON B. JOHNSON

THE WHITE HOUSE,
August 15, 1964.

[F.R. Doc. 64-8446; Filed, Aug. 17, 1964; 4:52 p.m.]

Executive Order 11166

SETTING ASIDE FOR THE USE OF THE UNITED STATES CERTAIN PUBLIC LANDS AND OTHER PUBLIC PROPERTY LOCATED AT THE MAKUA MILITARY RESERVATION, HAWAII

By virtue of the authority vested in me by section 5(d) of the Act of March 18, 1959, providing for the admission of the State of Hawaii into the Union (73 Stat. 5), and as President of the United States, it is hereby ordered as follows—

1. All lands and other property hereinafter described, being lands and property which were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July 7, 1898 (30 Stat. 750), or which have been acquired in exchange for lands or properties so ceded, are hereby set aside for the use of the United States* in fee simple subject to valid existing rights—

PORTION OF TRACT B, MAKUA MILITARY RESERVATION

Being portions of the Government Lands of Makua and Kahanahaiki, and a portion of the Makua Forest Reserve.

Situated at Makua and Kahanahaiki, Waianae, Oahu, Hawaii.

Beginning at a point on the westerly boundary of this piece of land, also being on the northerly boundary of Plot 1 of Parcel 5 of the U.S. Condemnation Civil Action No. 485 (Land Commission Award 6092:1), the coordinates of said point of beginning from Government Survey Triangulation Station "Makua U. S. E." being 4,950.50 feet North and 1,246.93 feet East, thence running by azimuths measured clockwise from true South:

Proceeding along the remainder of the land of Kahanahaiki for the next four courses:

1. 171°08′ 642.12 feet;
2. 159°36′ 2,440.00 feet;
3. 149°28′ 1,438.00 feet;
4. 242°51′40″ 1,991.74 feet;
5. 230°00′ 1,100.00 feet along the remainder of Land of Kahanahaiki and Makua-Keaau Forest Reserve to the top of the ridge separating the Kuaokala Forest Reserve and Makua-Keaau Forest Reserve; thence along Kuaokala Forest Reserve, along the ridge, direct azimuth and distance being:
6. 261°32′ 895.30 feet; thence along Mokuleia Forest Reserve, along the ridge for the next two courses, the direct azimuths and distances being:
7. 291°00′ 7,070.00 feet;
8. 316°15′ 10,870.00 feet; thence along Land Court Application 1052, along the ridge for the next five courses, the direct azimuths and distances being:
9. 58°10′ 1,426.10 feet;
10. 65°42′ 1,299.60 feet;
11. 69°51′ 2,347.20 feet;
12. 60°11′ 994.30 feet;
13. 96°42′ 817.90 feet; thence along the remainders of Makua-Keaau Forest Reserve, along the ridge, the direct azimuth and distance being:
14. 97°31′06″ 7,713.10 feet; thence along the Land of Ohikilolo, along the ridge, the direct azimuth and distance being:
15. 105°31′30″ 1,600.00 feet;
16. 180°30′ 2,360.00 feet along the remainder of the Land of Makua;
17. 171°08′ 3,213.88 feet along the remainders of the Land of Makua, Kahanahaiki and Plot 1 of Parcel 5 of U.S. Condemnation Civil Action No. 485 (Land Commission Award 6092:1) to the point of beginning and containing a gross area of 3,273 acres, less 5.95 acres of Tract 1 of Makua Military Reservation (State fee land) and 30.57 acres of Condemned Land, leaving a net area of 3,236.48 acres, more or less.

2. Access rights to and from the nearest public highway to the above-described land in, upon, over, and across, such of the lands and properties adjoining thereto which were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July 7, 1898 (30 Stat. 750), or which have been acquired in exchange for lands or properties so ceded are also hereby set aside for the use of the United States.

LYNDON B. JOHNSON

THE WHITE HOUSE,
August 15, 1964.

[F.R. Doc. 64-8447; Filed, Aug. 17, 1964; 4:52 p.m.]

*See the Act of December 23, 1963 (77 Stat. 472).

Executive Order 11167

SETTING ASIDE FOR THE USE OF THE UNITED STATES CERTAIN PUBLIC LANDS AND OTHER PUBLIC PROPERTY LOCATED AT THE POHAKULOA TRAINING AREA, HAWAII

By virtue of the authority vested in me by section 5(d) of the Act of March 18, 1959, providing for the admission of the State of Hawaii into the Union (73 Stat. 5), and as President of the United States, it is hereby ordered as follows—

All lands and other property hereinafter described, being lands and property which were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July 7, 1898 (30 Stat. 750), or which have been acquired in exchange for lands or properties so ceded, are hereby set aside for the use of the United States* in fee simple subject to valid existing rights—

PORTION OF TRACT B. POHAKULOA TRAINING AREA

Being portions of the Government Lands of Kaohe and Puuanahulu, and the Crown Land of Hummuula.

Being also a portion of Mauna Loa Forest and Game Reserve (Governor's Executive Order No. 1288, dated December 2, 1948).

Situated at Kaohe, Hamakua; Puuanahulu, North Kona; and Hummuula, North Hilo; Island of Hawaii, State of Hawaii.

Beginning at a point on the northeast boundary of this piece of land, the coordinates of said point of beginning from Government Survey Triangulation Station "OMAOKOILI" being 6,664.51 feet South and 3,954.19 feet West, thence running by azimuths measured clockwise from true South:

1. 336°22′ 21,800.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
2. 82°05′ 17,400.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
3. 120°00′ 3,900.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
4. 44°10′ 3,900.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
5. 82°05′ 8,100.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
6. 360°00′ 16,900.95 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
7. 90°00′ 33,877.72 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288); to the boundary between Kaohe and Keauhou;
8. 149°40′51.4″ 37,269.00 feet along Keauhou to "Naohueleelua;"
9. 111°14′54″ 2,500.00 feet along Keauhou;
10. 166°06′51″ 12,329.90 feet along the remainder of Puuanahulu;
11. 221°36′51″ 15,850.00 feet along the remainder of Puuanahulu;
12. 269°10′ 21,730.00 feet along the remainder of Puuanahulu and Mauna Loa Forest and Game Reserve;
13. 179°29′ 1,132.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
14. 265°10′ 3,000.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
15. 259°40′ 3,700.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
16. 202°30′ 1,300.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
17. 238°00′ 3,600.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
18. 290°00′ 4,700.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
19. 270°48′ 1,670.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
20. 296°30′ 2,900.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
21. 254°20′ 3,300.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
22. 293°50′ 9,600.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
23. 28°30′ 1,100.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
24. 298°30′ 1,400.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
25. 208°30′ 800.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
26. 291°10′ 6,000.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);

*See the Act of December 23, 1963 (77 Stat. 472).

27. 334°39′ 1,540.00 feet along the remainder of Mauna Loa Forest and Game Reserve (Governor's Executive Order 1288);
28. 316°30′ 14,800.00 feet to the point of beginning and containing an area of 84,057 acres, more or less.

LYNDON B. JOHNSON

THE WHITE HOUSE,
August 15, 1964.

[F.R. Doc. 64-8448; Filed, Aug. 17, 1964; 4:52 p.m.]

Memorandum of August 15, 1964

[ASSISTANCE TO CERTAIN INTERNATIONAL ORGANIZATIONS]

Memorandum to the Heads of Executive Departments and Agencies

THE WHITE HOUSE,
Washington, August 15, 1964.

It is the policy of this government to do its full share to assist in the development of sound, efficient international organizations to keep the peace, to resolve disputes, to promote peaceful change, to conduct a world war against poverty, to exchange technology, and for other purposes.

At the present time we belong to more than half a hundred such organizations. We have sponsored many of them. We contribute financially to all of them.

But the capacity and efficiency of these organizations depend, in the end, upon the quality and the motivations of the international civil servants who administer them. These organizations—and our national interest in their fortunes—deserve the services of some of the ablest citizens of the United States. In past years we have not done enough to help these agencies secure the services of highly qualified men and women from private life and from government agencies.

Final responsibility for selection of personnel to staff international organizations rests, of course, with the appropriate officers of those organizations. But we must make sure that recruitment of their personnel is supported by ready access to talented citizens of this country who are qualified for positions in the international agencies.

It is my desire that:

(1) All Executive Departments and Agencies take affirmative and continuing steps to assist international organizations to obtain properly qualified United States candidates for employment.

(2) All Executive Departments and Agencies encourage their able employees to accept assignments with international organizations in accordance with the authority of Public Law 85–795, and give positive recognition to the government's interest in the training and career advancement advantages of such employment.

(3) All Executive Departments and Agencies continue employer contributions toward Federal retirement and insurance benefits for employees serving international organizations in accordance with the authority of Public Law 85–795, in the absence of arrangements for such contributions by the employing international organization.

(4) All Executive Departments and Agencies assist actively in finding qualified candidates in their fields of specialization when requested to do so by the Agencies having primary responsibility.

(5) The Secretary of State provide leadership and coordination of this effort and develop policies and procedures to advance it, including the seeking of assistance from the state and local governments and from non-governmental organizations in locating qualified candidates in private employment.

(6) The Secretary of State report annually on the effectiveness of the recruitment program in behalf of international organizations established herein.

This memorandum shall be published in the FEDERAL REGISTER.

LYNDON B. JOHNSON

[F.R. Doc. 64–8449; Filed, Aug. 17, 1964; 4:52 p.m.]

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (23 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. Section 1.302–1 is revised to read as follows:

§ 1.302–1 Existing Government assets.

To the extent possible, supplies shall be obtained from releasable assets of the Department of Defense or from surplus or excess stocks in the hands of any other Government agency. Personnel responsible for issuing purchase requests shall insure compliance with policies pertaining to the utilization of existing Department of Defense material assets, as set forth in the Defense Utilization Manual (DSAM 4140.1) (AFM 67–11) (AR 1–38) (MCO P7020.5A). All purchase requests involving estimated expenditures of $50 or more for items centrally managed at inventory control points will be appropriately annotated with a statement to the effect that Department of Defense-wide review of assets has been initiated or completed, as appropriate, in compliance with the Defense Utilization Manual. This procedure is not applicable to subsistence, bulk petroleum, and medical drugs, as presently provided or later modified in that manual, or to such other items as may be added thereto. Interdepartmental purchases shall be accomplished in accordance with the provisions of Part 5 of this chapter.

§ 1.305–2 [Amended]

2. In § 1.305–2(a), the reference to "§ 1.702(b)(3)" is changed to read "§ 1.702(b)(6)".

§ 1.308 [Amended]

3. In § 1.308(b)(10)(iii), the reference to "§ 1.705–6" is changed to read "§ 1.705–4".

4. Sections 1.319 and 1.700 are revised to read as follows:

§ 1.319 Renegotiation performance reports.

(a) *Renegotiation Board.* Pursuant to the Renegotiation Act of 1951, as amended (50 U.S.C. App. 1211–1233), the Renegotiation Board reviews profits of defense contractors performing renegotiable contracts and subcontracts aggregating more than $1 million in a fiscal year in order to eliminate any excessive profits therefrom. Such review involves consideration of financial statements and other information furnished by both contractors and the Military Departments.

(b) *Maintenance of renegotiation information in contract files.* The contracting officer shall include in the file of each contract information pertaining to the extent and effectiveness of competition obtained in the negotiation and award of the contract, the reasonableness of the prices and profits negotiated, any target and incentive formulas incorporated in the contract, the extent of risk assumed by the contractor, the contractor's efficiency in performance of the contract, and any other information which would facilitate compilation of the performance reports described in paragraph (d) of this section. This is particularly important in the case of incentive type contracts where the question may be raised as to whether additional profits paid to the contractor by operation of the incentive provisions have been earned. To insure the collection of accurate and detailed information, the aforementioned data shall be included in the contract file as soon as it becomes available. The foregoing is not applicable to:

(1) Purchases made pursuant to the provisions of Subpart F, Part 3 of this chapter;

(2) Delivery orders placed under Federal Supply Schedule contracts; and

(3) Those contracts known to be exempt from renegotiation. (For additional information, see Chapter XIV of this title.)

(c) *Processing renegotiation requests.* The Renegotiation Board will, with respect to a particular contract, submit its request for procurement data and contractor performance information to the Contract Administration Office administering that contract. The Renegotiation Board will also furnish a copy of the request to the purchasing office awarding the contract. Within 30 days of the date of this request, the Contract Administration Office should forward the performance report to the Renegotiation Board, with copies to each purchasing office concerned. Within 20 days of receipt of a copy of the Contract Administration Office's report, the purchasing office should forward its report to the Renegotiation Board. If either of these time limits cannot be met, the appropriate office shall notify the Board as to the date by which the report will be submitted.

(d) *Performance reports.* The report shall be an objective and accurate evaluation of the contractor's performance, prepared by Government personnel from information and data in contract files. Under no circumstances shall the contractor be requested to furnish specifically for use in preparation of this report, information relative to the evaluation of his contract performance. However, when necessary, information may be solicited from a contractor regarding performance of his subcontractor. To provide full, accurate, and objective data to the Renegotiation Board, offices concerned shall furnish information substantially in accordance with the following checklist, including, favorable recommendations giving due credit for better than average contract performance and unfavorable recommendations for unsatisfactory performance:

(1) Date of report;

(2) Installation making report;

(3) Source and date of request for report;

(4) Name and address of contractor;

(5) Period covered by report;

(6) List of contracts being performed during the period concerned, showing as to each:

(i) Contract number;

(ii) Date;

(iii) Total amount of contract;

(iv) Principal product or service;

(v) Method of procurement (advertised or negotiated, and extent of competition);

(vi) Type of contract;

(vii) Total billings during period; and

(viii) Principal place of manufacture;

(7) Brief description of manufacturing techniques and type of work normally performed by contractor (e.g., production, fabrication, assembly) and relative complexity of the work (state the percentage of work subcontracted);

(8) Information concerning contractor performance, including extent to which:

(i) The product exceeded, met or fell below the contract requirements;

(ii) Delivery schedules were met (indicate reasons for failures to meet schedules, and compliance with requests for early deliveries, if any);

(iii) Rejections and spoilage rates were high or low and reasons therefor;

(iv) Contractor met targets under incentive contracts and reasons therefor;

(v) Contractor was economical in use of materials, facilities, and manpower, and was otherwise effective in controlling production costs;

(vi) Contractor made effective use of his facilities (state whether he expanded facilities to undertake renegotiable business and if so, was such expansion excessive);

(vii) Strikes, stoppages, or other significant developments in labor management affected contract performance;

(9) Information concerning reasonableness of cost and profits, including:

(i) Basis for use of particular type of contract in significant contracts (if an incentive contract, describe also the basis for negotiation of target and cost sharing formulas);

(ii) Adequacy and reliability of cost information furnished by contractor;

(iii) Unusual risks assumed by contractor in particular contracts, e.g., close pricing, labor and material cost increases, shortage of materials, inventory spoilage and obsolescence, cutbacks, terminations, and quality or performance guarantees (explain extent to which risks were reduced or minimized by types of contracts used);

(iv) Contingencies included in quoted prices;

(v) Experience as to profits received by contractor in significant contracts, especially incentive contracts, with appraisal as to whether or not profits were earned by contractor's efforts (state whether any important contracts were negotiated with no profit or at less than normal profit);

(vi) Significant refunds and voluntary price reductions, with circumstances of each;

(vii) Evaluation of contractor as a high, average, or low cost producer;

(viii) Reasonableness of contractor's pricing policies;

(ix) Comparison of prices with competitors' prices for same or similar products or services;

(x) Reasons for cost overruns and underruns in cost-reimbursement type contracts;

(10) List of capital funds and facilities employed by contractor, with particular reference to their source, e.g., contractor's equity capital, borrowed or rented, Government-financed, or Government-furnished;

(11) Extent to which contractor has complied with Government policies such as the small business program, labor surplus area program, competition in subcontracting, and make or buy program;

(12) Full information as to any terminations for default or for the convenience of the Government to include the status of appeals or claims, if any, and the extent to which payments were made during the period concerned;

(13) Status of price revision actions and the basis for any revision completed in the period concerned;

(14) Such pertinent information on defense subcontracts, as is available;

(15) Appraisal of contractor's contribution to the defense effort, with particular emphasis on work done by him in development of new materiel, invention of new devices, management of large weapon system contracts as prime or associate contractor, effective use of value engineering, and the like;

(16) A current appraisal of contractor's performance and recommendation as to reasonableness of contractor's profits for the period under consideration under the listed contracts; and

(17) Such other information as may be particularly requested by the Renegotiation Board.

While all the contracts concerned will be listed at the beginning of a performance report (see subparagraph (6) of this paragraph), individual contracts need not thereafter be identified except where information as to unusual performance is set forth, especially in cases of incentive contracts.

(e) *Departmental distribution of performance reports.* A copy of each performance report on a contractor who is on the list of the 100 contractors awarded the largest dollar amount of defense contracts (which list is published annually in a Defense Procurement Circular) shall be sent to the Assistant Secretary of Defense (Installations and Logistics). A copy shall also be sent to the appropriate Departmental Secretary.

(f) *Engineering development and operational system development contracts.* The Director of the Contractor Performance Evaluation Program shall furnish contractor performance evaluation reports on engineering development and operational systems development contracts upon the request of the Renegotiation Board (see § 4.215 of this chapter).

§ 1.700 Scope of subpart.

This subpart, which applies only in the United States, its possessions, and Puerto Rico, implements the Armed Services Procurement Act, as amended (10 U.S.C. 2301), and the Small Business Act, as amended (15 U.S.C. 631 et seq.), and sets forth policy and procedures governing (a) contract awards to small business concerns, (b) relationships with the Small Business Administration (SBA), (c) small business set-asides, and (d) small business subcontracting.

5. Item 2261 is added to the table in § 1.701–4, as follows:

§ 1.701–4 Manufacturing industry employment size standards.

* * * * *

Classification Code	*Industry*	*Employment size standard (Number of employees)* [1]
	MAJOR GROUP 22—TEXTILE MILL PRODUCTS	
2211	Broad woven fabric mills, cotton	1000
2261	Finishers of broad woven fabrics of cotton	1000

* * * * *

6. Sections 1.702, 1.704–2, 1.704–3, 1.705–2, 1.705–4, and 1.705–5 are revised, and §§ 1.705–6 and 1.705–7 are revoked, as follows:

§ 1.702 General policy.

(a) It is the policy of the Department of Defense to place a fair proportion of its total purchases and contracts for supplies, research and development, and services (including but not limited to contracts for maintenance, repairs and construction) with small business concerns. Every effort should be made to encourage participation by such concerns in the procurement of supplies and services that are within their capabilities. Heads of procuring activities and heads of field purchasing and contract administration activities are responsible for the effective implementation of the Small Business Program within their respective activities. Procurement and technical personnel attached to such activities shall be informed of the benefits that accrue to the Nation and to the Department of Defense through the proper use of the capabilities of small business concerns in the procurement of military requirements.

(b) Small business concerns, both established and potential suppliers (§§ 1.701–2 and 1.701–3), shall be afforded an equitable opportunity to compete for all contracts that they can perform. Therefore, the Military Departments shall, to the extent consistent with the best interests of the Government, and in order to broaden the industrial base:

(1) Attempt to locate additional qualified small business suppliers by all appropriate methods, including use of the facilities of SBA, particularly where only a limited number of small business concerns are on bidders' mailing lists;

(2) Give wide publicity to purchasing methods and practices;

(3) Publicize proposed procurements by use of advance notices or other appropriate methods (see § 1.1003);

(4) Include all established and qualified potential small business suppliers on the bidders' mailing lists (see § 2.205 of this chapter);

(5) Send solicitations to all firms on the appropriate list, except that, where less than a complete list is to be used pursuant to § 2.205–4, at least a pro rata number of small business concerns shall be solicited;

(6) Divide proposed procurement of supplies and services, except construction, into quantities not less than economic production runs, so as to permit bidding on quantities less than the total requirements; allow the maximum time practicable for preparation and submission of bids, proposals, or quotations; where feasible, establish delivery schedules which will encourage small business participation;

(7) Examine each major procurement to determine the extent to which small business subcontracting should be encouraged or required;

(8) Use small business concerns to the maximum extent feasible as planned producers in the Industrial Readiness Planning Program; and

(9) Maintain liaison with Federal, State (including Governors' Commissions), and local agencies and other organizations for the purpose of providing information and assistance to small business concerns.

(c) The extent of small business participation in defense procurement shall be accurately measured, reported, and publicized. All solicitations shall require each prospective supplier to represent whether he is small business concern for purposes of the specific procurement (see §§ 1.701 and 1.703). Records of the total value of contracts and subcontracts placed with small business concerns during each fiscal year shall be maintained by the use of DD Form 350 (Individual Procurement Action Report), DD Form 1057 (Monthly Procurement Summary by Purchasing Office) (see § 1.110), and DD Form 1140–1 (Defense Small Business Subcontracting Program Monthly Report of Participating Large Company on Subcontract Commitments to Small Business Concerns) (see § 1.707).

§ 1.704–2 Departmental small business advisors.

Each Military Department maintains an Office of Small Business as follows:

(a) Army—Army Small Business Advisor, Office of the Assistant Secretary of the Army (Installations and Logistics), Pentagon, Washington, D.C.;

(b) Navy—Director of Navy Small Business Program, Office of Naval Material (MAT21D), Department of the Navy, Main Navy Building, Washington, D.C.;

(c) Air Force—Deputy for Small Business, Directorate of Procurement Policy, Deputy Chief of Staff, Systems and Logistics (AFSPP–B), Pentagon, Washington, D.C.;

(d) Defense Supply Agency—Defense Supply Agency Small Business Advisor, Directorate of Procurement and Production, Code DSAH–PS, Cameron Station, Alexandria, Virginia.

The primary responsibility of the Chief of each Office of Small Business shall be in matters concerning small business. He advises the Secretary on small business matters, implements the Department of Defense Small Business Program within his Department, and represents his Department in negotiations with other Military Departments or Governmental agencies on small business matters.

§ 1.704–3 Small business specialists.

(a) Small business specialists shall be appointed by name, in writing, for each prinicipal procurement, purchasing, and contract administration office and in such other offices as the Military Departments consider appropriate. They shall be responsible directly to the appointing authority and shall not be subject to the direction of contracting or technical personnel. The appointing authority is as follows:

(1) Army—Head of a Procuring Activity (see § 1.201–14);

(2) Navy—Head of a Procuring Activity or the official in charge of an activity having purchase authority in excess of $10,000, or in charge of a contract administration activity;

(3) Air Force—Director of Procurement and Production or comparable person at each central purchasing activity and Major Air Command, the chief of each contract administration activity, and the Base Commander of a local purchase activity;

(4) Defense Supply Agency—Head of a Procuring Activity and Commanding Officers of DSA activities not designated as a supply center.

A copy of each appointment and termination of appointment of all such specialists shall be forwarded to the appropriate departmental Office of Small Business (§ 1.704–2). In addition to performing that portion of the specific program outlined in paragraph (b) of this section that is normally performed in the activity to which he is assigned, the small business specialist shall be the small business advisor to the head of the activity and shall perform such additional functions as are prescribed for him in furtherance of the overall Small Business Program. A small business specialist shall be appointed on a full-time basis in all activities having sufficient business to justify such action. This does not preclude the assignment of responsibility for the Labor Surplus Area Program prescribed by Subpart H of this part. When the volume of procurement does not warrant assignment of a small business specialist, the contracting officer shall be responsible for the program.

(b) A small business specialist appointed pursuant to paragraph (a) of this section shall perform the following duties, as determined to be appropriate to the activity by the appointing officer or his designee.

(1) He shall maintain a program designed to locate capable small business sources for current and future procurements, through SBA or other methods.

(2) He shall coordinate inquiries and requests for advice from small business concerns on procurement matters.

(3) Prior to issuance of solicitations or contract modifications for additional supplies or services, he shall determine that small business concerns will receive adequate consideration including initiation of set-asides (§ 1.706). This determination may be made jointly with the contracting officer or may be in the form of a recommendation to him. Disagreements between the small business specialist and the contracting officer shall be resolved by the appointing authority or his designee, whose decision shall be final. (See § 1.706–3 as to resolution of disagreements with SBA recommendations. See § 1.308(b)(4) as to the required record of contract actions.)

(4) If small business concerns cannot be given an opportunity to compete because adequate specifications or drawings are not available, unless there are sufficient and valid reasons to the contrary, initiate action, in writing, with appropriate technical and contracting personnel to ensure that necessary specifications or drawings for the current or future procurements, as appropriate, are available.

(5) He shall review procurement programs for possible breakout of items suitable for procurement from small business concerns.

(6) He shall assure that financial assistance, available under existing regulations, is offered and that requests by small business concerns for proper assistance are not treated as a handicap in the award of contracts. (See Subparts D and E of Part 163 of this chapter.)

(7) He shall participate in determinations concerning responsibility of a prospective contractor (see § 1.904) whenever small business concerns are involved.

(8) He shall participate in the evaluation of a prime contractor's small business subcontracting program (see § 1.707–4).

(9) He shall review and make appropriate recommendations to the contracting officer on any proposal to furnish Government-owned facilities to a contractor if such action may hurt the small business program.

(10) He shall assure that participation of small business concerns is accurately reported.

(11) He shall make available to SBA copies of solicitations when so requested.

§ 1.705–2 SBA representative.

(a) SBA may assign one or more representatives to any purchasing activity, on a full- or part-time basis, to carry out SBA policies and programs. The SBA representative shall be informed of the procurement mission of the activity and shall be furnished necessary facilities. In accordance with the procedures of the Department concerned, SBA shall obtain security clearances for each of its representatives. SBA representatives and employees shall comply with departmental directives concerning the conduct of Military Department procurement personnel.

(b) The purchasing activities shall include in the appropriate bidders list or in any group of firms to be solicited in specific procurements, the names of firms submitted by SBA unless there is a valid reason for not so doing.

§ 1.705–4 Certificates of competency.

(a) SBA has statutory authority to certify the competency of any small business concern as to capacity and credit. "Capacity" means the overall ability of a prospective small business contractor to meet quality, quantity, and time requirements of a proposed contract and includes ability to perform, organization, experience, technical knowledge, skills, "know-how," technical equipment, and facilities or the ability to obtain them. Contracting officers shall accept SBA certificates of competency as conclusive of a prospective contractor's capacity (see §§ 1.903–1(b) and 1.903–2) and credit (see § 1.903–1(a)), unless the contracting officer has substantial doubt as to the firm's ability to perform, in which case the procedures in paragraph (e) of this section apply.

(b) If a bid or proposal of a small business concern is to be rejected solely because the contracting officer has found the concern to be nonresponsible as to capacity or credit, SBA shall be notified of the circumstances, and award shall be withheld until SBA action concerning issuance of a certificate of competency or until 15 working days after SBA is so notified, whichever is earlier, subject to the following:

(1) This procedure is not mandatory where the contracting officer certifies in writing that award must be made without delay, includes this certification and supporting information in the contract file, and promptly furnishes a copy to the SBA representative.

(2) This procedure does not apply to proposed awards not exceeding $2,500, and for proposed awards exceeding $2,500, but not exceeding $10,000, its use is within the discretion of the contracting officer.

(3) This procedure does not apply where the contracting officer has found a small business concern nonresponsible for a reason other than lack of capacity or credit. Thus, it does not apply where a concern does not satisfy the criteria of responsibility in § 1.903–1(d), (e), and (f). Where the contracting officer determines that a concern does not meet the requirements of § 1.903–1(c) as to a

satisfactory record of performance, the procedure is mandatory only if the unsatisfactory record of performance was due solely to inadequate capacity or credit.

(4) A determination by a contracting officer that a small business concern is not responsible for reasons other than deficiencies in capacity or credit (e.g., lack of integrity, business ethics, or persistent failure to apply necessary tenacity or perseverance to do an acceptable job) must be supported by substantial evidence documented in the contract file. (See § 1.904.)

(5) If the contracting officer has any doubt as to whether the unsatisfactory record of performance can reasonably be attributed solely to lack of capacity or credit, he shall forward the matter to higher authority within this Department for resolution. The decision of such higher authority shall be final.

(c) In procurements where the highest competence obtainable or the best scientific approach is needed, such as in certain negotiated procurements of research and development, highly complex equipment, or personal or professional services, the certificate of competency procedure is not applicable to the selection of the source offering the highest competence obtainable or the best scientific approach. However, if a small business concern has been selected on the basis of the highest competence obtainable or best scientific approach and, prior to award, the contracting officer determines that the concern is not responsible because of lack of capacity or credit, the certificate of competency procedure in paragraph (b) of this section is applicable.

(d) It is the policy of the Department of Defense to endeavor to reach agreement with the Small Business Administration regarding the lack of capacity or credit of a small business concern. To assist the SBA and to ensure that SBA has the benefit of the views of the Military Department, the office which notifies SBA of a negative finding shall furnish to the SBA three copies of the solicitation, one copy of the pertinent drawings or specifications, the preaward survey findings, pertinent technical and financial information, and, if available, the abstract of bids.

(e) If an activity learns, after referral of a negative finding as to capacity or credit, that an SBA regional office is planning to issue a certificate of competency or to refer the application therefor to Headquarters SBA, it will ask the local office of SBA if there are new or additional facts in the case. If these facts warrant, the activity should reverse its negative finding. Every effort should be made to resolve the differences between SBA and the Military Department through a complete exchange to preaward survey information. If a certificate of competency is issued and the contracting officer has substantial doubt as to the ability of the contractor to perform, the case shall be forwarded through channels on an expedited basis with documentation as to the element of substantial doubt to, as appropriate, the Directorate of Procurement, Office of the Assistant Secretary of the Army (I&L); Office of Naval Material (MAT21D); Director of Procurement Policy (AFSPP), Headquarters USAF; or the Executive Director, Procurement and Production, Headquarters DSA, for review. The contracting officer shall withhold procurement action pending receipt of instructions from departmental headquarters.

§ 1.705–5 Performance of contract by SBA.

In accordance with section 8a of the Small Business Act, in any case in which the Administrator of SBA certifies to the Secretary concerned that SBA is competent to perform any specific contract, the contracting officer is authorized, in his discretion, to award the contract to SBA upon such terms and conditions, consistent with this subchapter, as may be agreed upon between SBA and the contracting officer.

§ 1.705–6 Certificates of competency. [Revoked]

§ 1.705–7 Performance of contract by SBA. [Revoked]

7. Sections 1.706, 1.706–1, 1.706–2, and 1.706–3 are revised; paragraph (a) of § 1.706–5 is revised; paragraphs (a) and (e) of § 1.706–6 are revised; and §§ 1.706–8 and 1.706–9 are revoked, as follows:

§ 1.706 Set-asides.

§ 1.706–1 General.

(a) Subject to any applicable preference for labor surplus area set-asides as provided in § 1.803(a)(2) and the following criteria, any individual procurement or class of procurements or an appropriate part thereof, shall be set aside for the exclusive participation of small business concerns when such action is determined jointly by an SBA representative and the contracting officer (upon the initiation of either). If an SBA representative is not available, the foregoing determination may be made, by the contracting officer, to be in the interest of (1) maintaining or mobilizing the Nation's full productive capacity, (2) war or national defense programs, or (3) assuring that a fair proportion of Government procurement is placed with small business concerns. Insofar as practicable joint rather than unilateral determination shall be used as a basis for set-asides, but the impracticability of obtaining a joint determination should not be an obstacle to making a unilateral set-aside determination in an otherwise appropriate case.

(b) In individual set-asides, at the request of the SBA representative, the purchasing activity shall make available to him for review (to the extent that he has been granted security clearance) all proposed classified and unclassified procurements expected to exceed $2,500 on which unilateral set-asides have not been made. However, if the head of the purchasing activity determines that such review would unduly delay action in procurements not expected to exceed $10,000, the SBA representative shall be furnished instead a copy of such determination and the justification therefor.

(c) In class set-asides, the SBA representative shall be afforded an opportunity to recommend that current and future procurements, or portions thereof, of selected items or services or groups of like items or services shall be set aside for exclusive small business participation. Such set-asides, when agreed to by the contracting officer, shall be known as class set-asides. Concurrence in a class set-aside shall not depend on the existence of a current procurement if future procurements can be clearly foreseen. Class set-asides shall apply only to the purchasing activity making or participating in the agreement, and shall not apply to an individual procurement for which small purchase procedures are to be used. A class set-aside agreement should specifically identify the items or services subject thereto, and provide for annual joint review by an SBA representative and the contracting officer, to determine whether it should be withdrawn (see § 1.706–3). Any class of procurements proposed to be totally set aside shall satisfy the requirements of § 1.706–5. The set-aside determination for any class of procurements proposed to be partially set aside shall specify that it does not apply to any individual procurement not severable into two or more economic production runs or reasonable lots. Records of individual procurements under each class set-aside shall be maintained by individual purchasing activities and shall include the solicitation number and date, item or service, unilateral or joint class set-aside and number, estimated dollar amount of the procurement, and estimated dollar amount of the set-aside. A copy of each such record shall be made available by each purchasing activity to SBA upon request.

(d) None of the following is, in itself, sufficient cause for not making a set-aside:

(1) A large percentage of previous procurements of the item has been placed with small business concerns;

(2) The item is on an established planning list under the Industrial Readiness Planning Program, except that a total set-aside shall not be authorized when one or more large business Planned Emergency Producers of the item desire to participate in the procurement (but see § 1.706–6 as to partial set-asides);

(3) The item is on a Qualified Products List, except that a total set-aside shall not be authorized when the products of one or more large businesses are on the Qualified Products List unless it has been confirmed that none of such large businesses desires to participate in the procurement (but see § 1.706–6 as to partial set-asides).

(4) A period of less than 30 days from date of issuance of solicitations is prescribed for the submission of the bids or proposals;

(5) The procurement is classified;

(6) Small business concerns are considered to be receiving a fair proportion of total contracts for supplies or services;

(7) A class set-aside of the item or service concerned has been made at some other purchasing activity; or

(8) The item will be described by "brand name or equal."

(e) Procurement of supplies which were developed and financed in whole or in part by Canadian sources under the U.S.-Canadian Defense Development Sharing Program shall not be set aside for small business. Supplies covered by the program shall be identified by the cognizant Military Department.

§ 1.706–2 Contract authority.

Contracts for total or partial set-asides entered into by conventional negotiation (see §§ 1.706–5(b) and 1.706–6(c) or by "Small Business Restricted Advertising" (see § 1.706–5(b)) are negotiated procurements and shall cite as authority 10 U.S.C. 2304(a)(17) and section 15 of the Small Business Act in the case of a joint determination, or 10 U.S.C. 2304(a)(1) in the case of a unilateral determination (see § 3.201–2(b)(2) of this chapter.

§ 1.706–3 Review, withdrawal, or modification of set-asides or set-aside proposals.

(a) Prior to issuing solicitations each individual procurement governed by a class set-aside shall be carefully reviewed to ensure that any changes in the magnitude of anticipated requirements, specifications, delivery requirements, or competitive market conditions, since the initial approval of the class set-aside are not of such material nature as to result in the probable payment of an unreasonable price by the Government or in a change in small business capability. If, prior to award of a contract involving an individual or class set-aside, the contracting officer considers that procurement of the set-aside from a small business concern would be detrimental to the public interest (e.g., because of unreasonable price), he may withdraw a unilateral set-aside determination or initiate the withdrawal of a joint set-aside determination by giving written notice to the SBA representative stating the reasons for the withdrawal. Similarly, a class set-aside may be modified with the concurrence of SBA to withdraw one or more individual procurements.

(b) Upon a recommendation of the SBA representative that an individual procurement or class of procurements, or portion thereof, be set aside, the contracting officer shall promptly either (1) concur in the recommendation, or (2) disapprove, stating in writing his reasons for disapproval.

(c) If the contracting officer disagrees with the recommendation of the SBA representative regarding a small business set-aside for an individual procurement or class of procurements or a portion thereof and so notifies the SBA representative in writing, or if the SBA representative disagrees with the contracting officer regarding a withdrawal or modification of a joint set-aside determination, the SBA representative shall be allowed 2 working days to appeal in writing to the head of the purchasing activity or his designee for decision. Within one working day after receipt of a decision from the head of the purchasing activity or his designee approving the action of the contracting officer, the SBA representative may request the contracting officer, in writing, to suspend procurement action pending a further appeal by the Administrator of the SBA to the Secretary of the Military Department concerned. The SBA shall be allowed 7 working days after making such written request within which (1) the Administrator of SBA may appeal to the Secretary of the Military Department concerned, and (2) notify the contracting officer whether the further appeal has in fact been taken. If notification is not received by the contracting officer within the 7 day period, it shall be deemed that the SBA request to suspend procurement action has been withdrawn and that an appeal to the Secretary was not taken. Where an appeal to the Secretary concerned has been taken and the contracting officer has been notified of that fact within the 7 day period, the head of the purchasing activity through his normal channels shall forward the matter to the Secretary of the Military Department concerned through the appropriate Departmental Small Business Advisor as identified in § 1.704–2 with a full justification of his decision.

(d) Any procurement action which has been appealed by the SBA representative shall be suspended pending the decision of the head of the purchasing activity or his designee. If the decision sustains the contracting officer, and if the SBA representative requests further suspension in accordance with paragraph (c) of this section, the suspension shall continue until (1) the SBA appeal is deemed to have been withdrawn (as provided in paragraph (c) of this section), or (2) the matter is determined by the Secretary of the Military Department concerned. However, this procedure shall not apply to any particular procurement action which the contracting officer determines must be initiated without delay in order to protect the public interest, and as to which he inserts in the contract file a signed statement of justification. The contracting officer shall promptly give written notice to the SBA representative of any such procurement action initiated.

(e) A signed memorandum of nonconcurrence in a recommended set-aside action or of any withdrawal or modification shall be made and retained.

§ 1.706–5 Total set-asides.

(a)(1) Subject to any applicable preference for labor surplus area set-asides as provided in § 1.803(a)(2), the entire amount of an individual procurement or a class of procurements, including but not limited to contracts for maintenance, repair, and construction, shall be set aside for exclusive small business participation (see § 1.701–1) if the contracting officer determines that there is reasonable expectation that bids for proposals will be obtained from a sufficient number of responsible small business concerns so that awards will be made at reasonable prices. Total set-asides shall not be made unless such a reasonable expectation exists. (But see § 1.706–6 as to partial set-asides.) Although past procurement history of the item or similar items is always important, it is not the only factor which should be considered in determining whether a reasonable expectation exists.

(2) Every proposed procurement for construction, including maintenance and repairs, in excess of $2,500 and under $500,000 shall be considered individually as though SBA had initiated a set-aside request, and the procedures of § 1.706–3 shall apply.

(3) Every proposed procurement of $500,000 or more for construction shall be considered on an individual procurement basis under subparagraph (1) of this paragraph.

* * * * *

§ 1.706–6 Partial set-asides.

(a) Subject to any applicable preference for labor surplus area set-asides as provided in § 1.803(a)(3), a portion of a procurement, not including construction, shall be set aside for exclusive small business participation (see § 1.706–1) where:

(1) The procurement is not appropriate for total set-aside pursuant to § 1.706–5;

(2) The procurement is severable into two or more economic production runs or reasonable lots (see § 1.804–1(a)(2) (i) through (v); and

(3) One or more small business concerns are expected to have the technical competency and productive capacity to furnish a severable portion of the procurement at a reasonable price, except that a partial set-aside shall not be made if there is a reasonable expectation that only two concerns (one large and one small) with technical competency and productive capacity will respond with bids or proposals; when the contracting officer is uncertain whether the latter situation exists, he may make advance written inquiries to all known sources to determine the number of interested concerns.

Similarly, a class of procurements, not including construction, may be partially set aside in accordance with § 1.706–1(c).

* * * * *

(e)(1) After the award price for the non-set-aside portion has been determined, negotiations may be conducted for the set-aside portion. Procurement of the set-aside portion shall in all instances be effected by negotiation. Negotiations shall be conducted only with those bidders or offerors who have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 120 percent of the highest award made or to be made on the non-set-aside portion and who are determined to be responsible prospective contractors for the set-aside portion of the procurement. Negotiations shall be conducted with small business concerns in the order of priority as indicated in the foregoing notices: *Provided*, That, where equal low bids are received on the non-set-aside portion from concerns which are equally eligible for the set-aside portion, the concern which is awarded the non-set-aside portion (under the equal low bid procedure of § 2.407–6 of this chapter) shall have first priority with respect to nego-

tiations for the set-aside portion. The set-aside portion will be awarded at the highest unit price awarded or to be awarded for the non-set-aside portion. A bidder or offeror entitled to receive an award for quantities of an item under the non-set-aside portion and who accepts the award of additional quantities under the set-aside portion shall not be requested to accept a lower price because of the increased quantities of the award, nor shall negotiation be conducted with a view to obtaining such a lower price based solely upon receipt of award of both portions of the set-aside. This does not prevent acceptance by the contracting officer of voluntary reductions in price from the low eligible offeror prior to award, acceptance of voluntary refunds (see § 1.312), or the change of prices after award by negotiation of a contract modification.

(2) When the award price for the non-set-aside portion has been determined and where an award will be made to a small business concern and the same small business concern is entitled to receive the set-aside portion of a solicitation, the set-aside portion may be added to the basic contract by supplemental agreement. The supplemental agreement shall include the Examination of Records clause, applicable to the set-aside portion only. For purposes of Part 16 of this chapter, the non-set-aside and set-aside portions shall be reported separately.

§ 1.706–8 Contract authority. [Revoked]

§ 1.706–9 Maintenance of records. [Revoked]

8. In § 1.707–3(b), the clause heading and clause paragraph (a) (8) are revised; and § 1.1002–3 is revoked, as follows:

§ 1.707–3 Required clauses.

* * * * *

(b) * * *

SMALL BUSINESS SUBCONTRACTING PROGRAM (JULY 1964)

(a) * * *

(8) Submit DD Form 1140–1 each month in accordance with instructions provided on the form, except that where the Contractor elects to report on a corporate rather than a plant basis, he may submit his reports to the Military Department having the responsibility for the Small Business Subcontracting Program at the corporate headquarters. The reporting requirements of this subparagraph (8) do not apply to Small Business Contractors, Small Business Subcontractors, or educational and nonprofit institutions.

* * * * *

§ 1.1002–3 Distribution to Small Business Advisory Service Center. [Revoked]

§ 1.1004 [Amended]

9. In § 1.1004, the reference to "§ 1.705–4" is changed to read "§ 1.705–3".

10. Sections 1.1701, 1.1702–3, and 1.1703–3 are revised to read as follows:

§ 1.1701 Policy.

(a) *General.* Value engineering is concerned with elimination or modification of anything that contributes to the cost of an item but is not necessary to required performance, quality, maintainability, reliability, standardization, or interchangeability. Value engineering usually involves an organized effort directed at analyzing the function of an item with the purpose of achieving the required function at the lowest overall cost. As used in this subpart, "value engineering" means a cost reduction effort not required by any other provision of the contract. It is the policy of the Department of Defense to incorporate provisions which encourage or require value engineering in all contracts of sufficient size and duration to offer reasonable likelihood for cost reduction. Normally, however, this likelihood will not be present in contracts for architect-engineering, research, or exploratory development. Value engineering contract provisions are of two kinds:

(1) Value engineering incentives which provide for the contractor to share in cost reductions that ensue from change proposals he submits; and

(2) Value engineering program requirements which obligate the contractor to maintain value engineering efforts in accordance with an agreed program, and provide for limited contractor sharing in cost reductions ensuing from change proposals he submits.

(b) *Processing value engineering change proposals.* In order to realize the cost reduction potential of value engineering, it is imperative that value engineering change proposals be processed as expeditiously as possible.

§ 1.1702–3 Limitations.

Normally, value engineering incentive provisions shall not be included in procurements for architect-engineering, research, or exploratory development. In addition, with the exception of cost-plus-incentive fee contracts, value engineering incentive provisions shall not be included in cost-reimbursement type contracts; however, a value engineering program requirement shall be included if otherwise appropriate (see § 1.1703–2).

§ 1.1703–3 Limitations.

Normally, value engineering program requirements shall not be included in procurements for construction (including architect-engineering), research, or exploratory development. A value engineering program requirement shall not be used in formally advertised contracts, and generally should not be used in negotiated contracts where award will be made solely on the basis of price competition.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

11. Paragraph (b) of § 2.202–4 is revised to read as follows:

§ 2.202–4 Bid samples.

* * * * *

(b) *Policy.* Bidders shall not be required to furnish a bid sample of a product they proposed to furnish unless there are certain characteristics of the product which cannot be described adequately in the applicable specification or purchase description, thus necessitating the submission of a sample to assure procurement of an acceptable product. It may be appropriate to require bid samples, for example, where the procurement is of products that must be suitable from the standpoint of balance, facility of use, general "feel," color, or pattern, or that have certain other characteristics which cannot be described adequately in the applicable specifications. However, where more than a minor portion of the characteristics of the product cannot be adequately described in the specification, the product should be procured by two-step formal advertising or negotiation, as appropriate.

* * * * *

§ 2.205–4 [Amended]

12. In § 2.205–4(b), the reference to "§ 1.702(b)(2)" is changed to read "§ 1.702(b)(5)".

§ 2.205–5 [Amended]

13. In § 2.205–5(a), change reference to "§ 1.705–4" to read "§ 1.705–3".

§ 2.404–2 [Amended]

14. In § 2.404–2(g), the reference to "§ 1.705–6" is changed to read "§ 1.705–4".

15. Sections 2.501, 2.502, and 2.503–1 are revised to read as follows:

§ 2.501 General.

Two-step formal advertising is a method of procurement designed to expand the use and obtain the benefits of formal advertising where inadequate specification preclude the use of conventional formal advertising. It is especially useful in procurements requiring technical proposals, especially those for complex items. It is conducted in two steps:

(a) Step one consists of the request for, and submission, evaluation, and, if necessary, discussion of a technical proposal, without pricing, to determine the acceptability of the supplies or services offered. As used in this context, the word "technical" has a broad connotation and includes engineering approach, special manufacturing processes, and special testing techniques. When it is necessary in order to clarify basic technical requirements, related requirements such as management approach, manufacturing plan, or facilities to be utilized may be clarified in this step. Conformity to the technical requirements is resolved in this step, but capacity and credit, as defined in § 1.705–4 of this chapter, are not.

(b) Step two is a formally advertised procurement confined to those who submitted acceptable technical proposals in step one. Bids submitted in step two are evaluated and the awards made in accordance with Subparts C and D of this part.

Two-step formal advertising requires that the contracting officer work closely with technical personnel and that he utilize this specialized knowledge in determining the technical requirements of the procurement, in determining the criteria to be used in evaluating technical proposals, and in making such evaluation. An objective of this method is

to permit the development of a sufficiently descriptive and not unduly restrictive statement of the Government's requirement, including an adequate technical data package, so the subsequent procurements may be made by conventional formal advertising.

§ 2.502 Conditions for use.

(a) Two-step formal advertising shall be used in preference to negotiation when all of the following conditions are present, unless other factors require the use of negotiation, e.g., § 3.213 of this chapter;

(1) Available specifications or purchase descriptions are not sufficiently definite or complete or may be too restrictive, and the listing of the salient characteristics in a "brand name or equal" description would likewise be too restrictive, to permit full and free competition without technical evaluation, and any necessary discussion, of the technical aspects of the requirement to insure mutual understanding between each source and the Government;

(2) Definite criteria exist for evaluating technical proposals, such as design, manufacturing, testing, and performance requirements, and special requirements for operational suitability and ease of maintenance;

(3) More than one technically qualified source is expected to be available;

(4) Sufficient time will be available for use of the two-step method; and

(5) A firm fixed-price contract or a fixed-price contract with escalation will be used.

(b) None of the following in itself precludes the use of two-step formal advertising:

(1) A multi-year procurement is being made.

(2) A first or subsequent production quantity is being procured under a performance specification.

(3) Government-owned facilities or special tooling is to be made available to the successful bidder.

(4) A total small business set-aside is involved (see §§ 1.706–5(b) and 1.706–2 of this chapter).

§ 2.503–1 Step one.

(a) A request for technical proposals shall be distributed to qualified sources in accordance with § 1.302–2 of this chapter. In addition, the request shall be synopsized in accordance with Subpart J, Part 1 of this chapter. The request may be in the form of a letter and shall contain, as a minimum, the following information:

(1) The best practicable description of the supplies or services required;

(2) Notification of the intent to conduct the procurement in two steps and the actions involved;

(3) The requirements of the technical proposal, i.e., the necessary details such as drawings, data, presentations, etc., to be submitted;

(4) The criteria for evaluating the technical proposal (see § 2.502(a)(2));

(5) A statement that the technical proposals shall not include prices or pricing information;

(6) The date by which the proposal must be received and a statement as follows:

LATE TECHNICAL PROPOSALS (JULY 1964)

(a) Proposals received at the office designated in the request for technical proposals after the close of business on the date set for receipt thereof (or after the time set for receipt, if a particular time is specified) will not be considered unless:

(i) they are received before the invitation for bids in step two is issued; and either

(ii) they are sent by registered mail, or by certified mail for which an official, dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained, and it is determined by the Government that the late receipt was due solely to delay in the mails for which the offeror was not responsible; or

(iii) if submitted by mail it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation; *provided*, that timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt at such installation (if readily available) within the control of such installation or of the post office serving it.

(b) Offerors using certified mail are cautioned to obtain a Receipt for Certified Mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late proposal was timely mailed.

(c) The time of mailing of late proposals submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the Receipt for Certified Mail unless the offeror furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is as follows: (i) where the Receipt for Certified Mail identifies the post office station of mailing, evidence furnished by the offeror which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or (ii) an entry in ink on the Receipt for Certified Mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original Receipt for Certified Mail does not show a date, the offer shall not be considered.

(7) A statement that the Government may discuss the technical aspects of the proposals with the concerns submitting the proposals;

(8) A statement that in the second step of the procurement only bids based upon technical proposals determined to be acceptable, either initially or as a result of discussions, will be considered for award; and that each bid in the second step must be based on the bidder's own technical proposals;

(9) A statement that each source submitting an unacceptable technical proposal will be so notified upon completion of the technical evaluation of his proposal, and final determination of such unacceptability; and

(10) A statement either that only one technical proposal may be submitted by each offeror or that multiple technical proposals may be submitted. When compliance with specifications permit utilization of essentially different technical approaches, it is generally in the interest of the Government to authorize the submission of multiple proposals. If multiple proposals are authorized the request shall include a statement substantially as follows:

Multiple technical proposals. In the first step of this two-step procurement, offerors are authorized and encouraged to submit multiple technical proposals presenting different basic approaches. Each technical proposal submitted will be separately evaluated and the offeror will be notified as to its acceptability.

(b) Upon the receipt of technical proposals:

(1) Every precaution shall be taken to safeguard technical proposals against disclosure to unauthorized persons;

(2) Technical proposals submitting data marked in accordance with § 3.506–1 of this chapter shall be accepted and handled in accordance with that section; and

(3) Any reference to price or cost shall be removed.

(c) Technical evaluation of the proposals shall be based upon the criteria contained in the request for technical proposals and such evaluation shall not include consideration of capacity or credit as defined in § 1.705–4 of this chapter. Upon completion of the technical evaluation, each proposal shall be categorized as acceptable or unacceptable. Proposals shall not be categorized as unacceptable when a reasonable effort on the part of the Government to obtain clarification or additional information could bring the proposals to an acceptable status and thus increase competition. The contracting officer shall arrange for any necessary discussions with sources submitting technical proposals. When, after discussion, clarification, and submission of necessary documentation for incorporation in the proposal, technical proposals are determined to be acceptable, they shall be so categorized. If, however, it is determined at any time that a technical proposal is not reasonably susceptible to being made acceptable, it should be classified as unacceptable and further discussion of it is unnecessary.

(d) Upon final determination that a technical proposal is unacceptable, the contracting officer shall promptly notify the source submitting the proposal of that fact. The notice shall state that revision of his proposal will not be considered, and shall indicate, in general terms, the basis for the determination for example, that rejection was based on failure to furnish sufficient information or on an unacceptable engineering approach.

(e) Consideration of late technical proposals shall be governed by the procedures in § 3.505 of this chapter.

(f) If, as a result of the evaluation of technical proposals, it appears necessary to discontinue two-step formal advertising, a statement setting forth the full facts and circumstances shall be made a

part of the contract file. Each source will be notified in writing of the discontinuance and the reason therefor. When step one results in no acceptable technical proposal or only one acceptable technical proposal, the procurement may be continued by negotiation under the authority of § 3.210–2(c) of this chapter. (But see § 3.210–3 of this chapter.)

PART 3—PROCUREMENT BY NEGOTIATION

§ 3.113 [Amended]

16. In § 3.113, the reference to "§ 1.706–8" to read "§ 1.706–2".

§ 3.201–3 [Amended]

17. In § 3.201–3, the reference to "§ 1.706–8" is changed to read "§ 1.706–2".

18. Sections 3.210–2(c), 3.217–2, and 3.218–2(a) are revised; and in § 3.808–2, subdivision (vi) is added to paragraph (b)(1), as follows:

§ 3.210–2 Application.

* * * * *

(c) When bids have been solicited pursuant to the requirements of Part 2 of this chapter, and no responsive bid (a responsive bid is any bid which conforms to the essential requirements of the solicitation) has been received from a responsible bidder, or when step one of two-step formal advertising results in no acceptable technical proposal or only one acceptable technical proposal;

* * * * *

§ 3.217–2 Application.

The authority of §§ 3.217–3.217–2 shall be used only if, and to the extent, approved for any Military Department and in accordance with departmental procedures except that, in the event of a joint total or partial small business setaside, this authority shall be used, with further citation of Section 15 of the Small Business Act, in preference to any other authority in this subpart (see § 1.706–2 of this chapter).

§ 3.218–2 Limitation on authority to negotiate contracts.

(a) *Work in the United States.* Contracts for construction work to be performed within the United States shall be formally advertised and may not (except as provided below for small business setasides) be negotiated unless authorized pursuant to the following subsections of 10 U.S.C. 2304(a): (1), (2), (3), (10), (11), (12), or (15) (see, respectively, §§ 3.201, 3.202, 3.203, 3.210, 3.211, 3.212, and 3.215). Construction contracts set aside for small business pursuant to a joint determination of the Small Business Administration and a Department may be negotiated pursuant to 10 U.S.C. 2304(a)(17) and Section 15 of the Small Business Act (see § 1.706–2 of this chapter).

* * * * *

§ 3.808–2 Weighted guidelines method.

* * * * *

(b) *Exceptions.* (1) Under the following circumstances, other methods for establishing profit objectives may be used *provided* such methods accomplish the two features of the weighted guidelines method set forth in paragraph (a) of this section. These circumstances are:

* * * * *

(vi) Man/day, labor/hour, and time and material contracts.

* * * * *

19. Subpart I is revised to read as follows:

Subpart I—Make-or-Buy, Purchasing System, and Subcontracting Policies and Procedures

Sec.

AUTHORITY: The provisions of this Subpart I issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 3.901 General.

(a) This subpart sets forth policies and procedures for the evaluation, review, and consent or approval of contractor's proposed "make-or-buy" programs, purchasing systems, and proposed subcontracts. These techniques are required only where the work is complex, the dollar value is substantial, and there is not adequate price competition. The evaluation of and agreement upon a contractor's proposed make-or-buy program, purchasing system, and proposed subcontracting shall be accomplished during negotiations to the extent practicable.

(b) Although there is a relationship among the review and approval of make-or-buy programs, purchasing systems, and consent to subcontracts, each is a separate and distinct action and the factors to be considered in the three reviews vary.

(c) The make-or-buy program (§ 3.902) submitted with the contractor's proposal should, in order to form a basis for contract negotiations, (1) sufficiently identify the important segments of the total effort; and (2) establish the framework for determining the contractor's inhouse effort, the subcontract effort, and the plant workload with attendant overhead costs.

(d) The review of the contractor's purchasing system (§ 3.903–3) is necessary to determine that he has established proper subcontracting methods, including competitive bid procedures, adequate participation by small business, and opportunities for labor surplus areas to compete for subcontracts in accordance with Government policies. Approval of the contractor's purchasing system relaxes the requirements relating to consent to subcontracts.

(e) The review and consent to subcontracts (§§ 3.903–1, 3.903–3 and 3.903–4) is necessary to determine that:

(1) Adequate subcontractor source selection procedures have been followed;

(2) Subcontracts will be placed on a competitive basis when feasible;

(3) The proposed prices do not appear to be unreasonable and current cost or pricing data are available;

(4) The subcontractors are capable of performing; and

(5) Consideration has been given to any requirements for use of Government facilities, or other policies appropriate to the particular procurement.

§ 3.902 Make-or-Buy Programs.

§ 3.902–1 General.

The Government buys management from the prime contractor along with goods and services and places responsibility on him to manage programs to the best of his ability, including placing and administering subcontracts as necessary to insure performance at the lowest overall cost to the Government. Although the Government does not expect to participate in every management decision, it may reserve the right to review the contractor's management efforts, including the proposed make-or-buy program.

§ 3.902–2 Definition and criteria.

(a) A make-or-buy program is that part of a contractor's written plan which identifies the major subsystems, assemblies, subassemblies, and components to be manufactured, developed, or assembled in his own facilities, and those which will be obtained elsewhere by subcontract. A "make" item is any item produced, or work performed, by the contractor or his affiliates, subsidiaries, or divisions.

(b) Make-or-buy programs shall not be required:

(1) When a proposed contract has a total estimated value of less than $1,000,000, unless the contracting officer specifically determines that such program is appropriate;

(2) In research and development contracts, unless the contract is for prototypes or hardware and it can reasonably be anticipated that significant follow-on quantities of the product will be procured; or

(3) If the contracting officer determines that there is adequate price competition, the work is not complex, or the dollar value is not substantial.

(c) Make-or-buy programs should be confined to items which because of their complexity, quantity, cost, or requirement for additional facilities, normally would require company management review of the make-or-buy decision. As a general guideline, the make-or-buy program should not include items or work efforts costing less than 1 percent of the total estimated contract price or $500,000, whichever is less.

(d) The make-or-buy program shall not include raw materials or off-the-shelf items.

§ 3.902–3 Procedure.

(a) Where submission of a contractor's proposed make-or-buy program is required, the request for proposals shall so state and clearly set forth any special considerations to be used in evaluating the program. After considering such factors as capability, capacity, contract schedules, integration control, proprietary processes, and technical superiority or exclusiveness, the contractor shall identify in his proposed make-or-buy program that work which he considers he or his affiliates, subsidiaries, or divisions must perform as "must make," must subcontract as "must buy," and can either perform or acquire by subcontract as "can make-or-buy." The contractor shall state the reasons for his recommendations of "must make" or "must buy" in sufficient detail for the contracting officer to determine that sound business and technical judgment has been applied to each major element of the program. If the design status of the article being procured does not permit accurate precontract identification of major items that should be included in the make-or-buy program, the contractor shall be notified that such items must be added to the program, when identifiable, under the "Changes to Make-or-Buy Program" clause. The contractor shall be required to include in his proposed make-or-buy program:

(1) A description by which each major item can be identified;

(2) A recommendation to make or buy each such item or defer the decision;

(3) A recommendation as to make-or-buy for any "can make-or-buy" item;

(4) The proposed subcontractors, if known;

(5) Designation of the plants and divisions in which the contractor proposes to make the item; and

(6) Sufficient information to permit the contracting officer to evaluate the proposed program in accordance with paragraph (b) of this section.

Proposed make-or-buy programs shall be evaluated and negotiated as soon as practical.

(b) In reviewing and evaluating a proposed make-or-buy program, the contracting officer shall assure that all appropriate items are included and shall delete items which should not be included. In conducting his review the contracting officer shall obtain the advice of appropriate personnel whose knowledge would contribute to the adequacy of the review. During such review primary consideration shall be given to the effect of the contractor's proposed make-or-buy program on price, quality, delivery, and performance. Basic responsibility for make-or-buy decisions is the contractor's, and his recommendations shall be accepted unless they adversely affect the Government's interest or are inconsistent with Government policy. The evaluation of "must make" and "must buy" items should normally be confined to such evaluations as are necessary to assure that the items are properly categorized. The effect of the following factors on the interest of the Government shall also be considered:

(1) Whether the contractor has justified the performance of work in plant the nature of which differs significantly from his normal in-plant operations;

(2) The consequence of the contractor's projected plant work loading with respect to overhead costs;

(3) Contractor consideration of the competence, ability, experience, and capacity available in other firms (this is particularly significant if the contractor proposes to request additional Government facilities in order to perform in-plant work);

(4) Contractor's make-or-buy history as to the type of item concerned;

(5) Whether small business firms may be able to compete for subcontracts; and

(6) Other factors, such as the nature of the items, experience with similar items, future requirements, engineering, tooling, starting load costs, market conditions, and the availability of personnel and materials.

(c) Proposed "make" items shall not be agreed to when the products or services under consideration:

(1) Are not regularly manufactured or provided by the contractor, and are available—quality, quantity, delivery, and other essential factors considered—from other firms at prices no higher than if the contractor should make or provide the product or service; or

(2) Are regularly manufactured or provided by the contractor, but are available—quality, quantity, delivery, and other essential factors considered—from other firms at lower prices.

However, such items may be agreed to if the contracting officer determines that the overall cost of the contract or of the program to the Government would be increased if the item were bought.

(d) Before agreeing to a "make-or-buy" program (or consenting to any change therein which, in his opinion, would reduce the anticipated participation of small business), the contracting officer shall invite the advice and counsel of the SBA by permitting SBA representatives regularly assigned to the activity and the activity's small business specialist to review all pertinent facts and make recommendations thereon. Such review by SBA should be concurrent with the review by the contracting officer. Where urgent circumstances do not permit such a concurrent review, or where SBA fails to respond on a timely basis, the contracting officer shall include an explanatory statement in the contract file and shall transmit a copy to the SBA representative.

§ 3.902–4 Changes to make-or-buy.

(a) Where a make-or-buy program has been required to be submitted in accordance with the foregoing, the make-or-buy program, as approved by the contracting officer, shall be incorporated in cost-reimbursement type contracts, except cost-sharing contracts where the contractor's share is 25 percent or more, and cost-plus-incentive-fee contracts having a cost incentive which provides for a swing from target fee of at least ±3 percent and a contractor's overall share of cost of at least 10 percent. (A profit swing of at least ±3 percent and cost sharing of at least 90/10 have been specified only for the purpose of establishing a general rule for the incorporation of the make-or-buy program in cost-plus-incentive-fee contracts. Some contracts may provide sufficient incentive for control of costs and not meet this test; other contracts may meet or surpass this test and yet not provide sufficient incentive for control of costs. In such cases, contracting officers should seek authority to deviate from this subchapter (see § 1.109 of this chapter). Contracting officers shall still be guided by the criteria set forth in § 3.405–4 in negotiating meaningful incentive formulas.)

(b) The "Changes to Make-or-Buy Program" clause may be incorporated into any contract to effect a continuing review or control of selected make-or-buy items where such is determined to be essential by the contracting officer because of special technical considerations. In this case, each selected item shall be specifically designated in the contract as being either a "make" or a "buy" item, and the contract shall provide (1) any requirement for further review during performance of the contract, and (2) that in the event of major modification of the procurement, either party may propose a change in the designation of the selected make-or-buy items. If significant follow-on procurements occur, the contracting officer shall review the current make-or-buy program with the contractor to determine whether it should be incorporated into the new contract or revised.

(c) The following clause shall be incorporated in all contracts in which a make-or-buy program has been included.

CHANGES TO MAKE-OR-BUY PROGRAM (APRIL 1964)

The Contractor shall perform this contract in accordance with the "make-or-buy" program incorporated in this contract except as hereinafter provided. If the Contractor proposes to change the "make-or-buy" program, he shall notify the Contracting Officer in writing of the proposed change reasonably in advance and shall submit justification in sufficient detail to permit evaluation. Changes in the place of performance of work on any "make" items in the "make-or-buy" program are subject to this requirement. With respect to items deferred at the time of negotiation of this contract for later addition to the "make-or-buy" program, the Contractor shall notify the Contracting Officer of each proposed addition at the earliest possible time, together with justification in sufficient detail to permit evaluation. Any change or addition to the "make-or-buy" program must be ratified or consented to in writing by the Contracting Officer, in his discretion, and upon such written ratification or consent, this contract shall be deemed modified in accordance with such change or addition.

§ 3.902–5 Price adjustments.

(a) There may be cases where it is proper to agree that an item of significant value will be "bought" even though it would usually be more economical to have it "made," or vice versa. For instance, the contractor may have a unique capability for low-cost manufacture of a substantial component but his capacity may already be full during the period

necessary for contract performance, so the component must be subcontracted. Therefore, the agreed "make-or-buy" program may specifically call for what would usually be the more costly treatment of the item, and the consequent higher costs may be explicitly recognized in establishing the best obtainable contract price. Unforeseen changes in the circumstances may arise during contract performance, however, and may induce the contractor to propose changing the item from "buy" to "make" (or vice versa). If such a change is made the element of the contract price which was intended to compensate the contractor for the higher costs flowing from the initial make-or-buy decision would instead constitute windfall profits to the contractor and unwarranted costs to the Government.

(b) Where the prospective contractor's "make-or-buy" program is reviewed pursuant to § 3.902–3, if a situation of the kind described in paragraph (a) of this section obtains, the clause set forth below shall be included in the contract (unless it is a cost-reimbursement type contract) and any "make-or-buy" items of the kind described in paragraph (a) of this section shall be specifically designated in the Schedule (or elsewhere in the contract) both as being either a "make" item or a "buy" item and as being subject to this clause.

PRICE ADJUSTMENT FOR MAKE-OR-BUY CHANGES (JULY 1964)

This clause applies only to items that are designated elsewhere in this contract as being "make" items or "buy" items subject to this clause. If the Contractor desires to "make" any designated "buy" item or to "buy" any designated "make" item, he shall give written notice to the Contracting Officer of the proposed change reasonably in advance and will include significant and reasonably available cost and pricing data in sufficient detail to permit evaluation of the proposed change. Promptly thereafter, if the Contractor proceeds with the change, the Contractor and the Contracting Officer shall negotiate an equitable reduction in the contract price to reflect any decrease in costs which should reasonably result from the change, and the contract shall be modified in writing accordingly. Failure to agree on an equitable reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

§ 3.903 Review of subcontracting and contractor's purchasing systems and consent to subcontracts requirements.

(a) Examination of the contractor's purchasing system and plans for subcontracting, review of proposed subcontract sources and prices in the light of the factors indicated in § 3.901, and discussions with the contractor to bring about any adjustments which may be needed to clear the way for formal subcontract approval, should generally be accomplished as part of the negotiation of the prime contract (and concurrently with any review of the contractor's "make-or-buy" program, as required by § 3.902). Any resulting purchasing system approvals may be granted before the contract is executed.

(b) Purchases by a contractor from General Services Administration supply sources under a written authorization by the contracting officer (see § 5.906 of this chapter) shall be treated as having been made with the consent of the contracting officer as required by the clause set forth in § 7.204–28 or § 7.403–23 of this chapter.

§ 3.903–1 Subcontracts clause for fixed-price contracts.

(a) A subcontracts clause is not required for firm fixed-price contracts or fixed-price with escalation contracts. For other fixed-price type contracts, and letter contracts which contemplate a definitive fixed-price type contract, the clause set forth below is required, unless the contractor's purchasing system has been approved in whole, if—

(1) It is anticipated that one or more subcontracts may each exceed $100,000 or such other figure as is to be included in paragraph (b)(ii) and (iii) of the following clause in accordance with paragraph (c) of this section;

(2) The work of the prime contractor, or of the plant or division of the prime contractor which will perform the contract, is predominantly for the Government; or

(3) The estimated contract price is $1,000,000 or more.

When the clause is required, the requirement for consent shall not extend to subcontracts coming under any part of the contractor's purchasing system which has been approved (see § 3.903–3(b)). In the event a letter contract in which the clause has been included is superseded by a definitive firm fixed-price contract or fixed-price with escalation contract, or the contractor's purchasing system is approved in whole before definitization, the clause shall be omitted from the definitive contract.

SUBCONTRACTS (APRIL 1964)

(a) As used in this clause, the term "subcontract" includes purchase orders.

(b) The Contractor shall notify the Contracting Officer reasonably in advance of entering into any subcontract which comes under any part of the Contractor's purchasing system that has not been approved by the Contracting Officer and which—

(i) is cost-reimbursement type, time and material or labor-hour and which would involve an estimated amount in excess of $10,000 including any fee; or

(ii) is proposed to exceed $100,000; or

(iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate, are expected to exceed $100,000.

(c) The advance notification required by paragraph (b) above shall include:

(i) a description of the supplies or services to be called for by the subcontract;

(ii) identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(iii) the proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(iv) the subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data when such data and certificate are required, by other provisions of this contract, to be obtained from the subcontractor; and

(v) identification of the type of contract to be used.

(d) The Contractor shall not, without the prior written consent of the Contracting Officer, enter into any subcontract for which advance notification to the Contracting Officer is required by this clause: *Provided*, That, in his discretion, the Contracting Officer may ratify in writing any subcontract and such ratification shall constitute the consent of the Contracting Officer required by this paragraph.

(e) No consent by the Contracting Officer to any subcontract or any provisions thereof or approval of the Contractor's purchasing system shall be construed to be a determination of the acceptability of any subcontract price or of any amount paid under any subcontract or to relieve the Contractor of any responsibility for performing this contract, unless such approval or consent specifically provides otherwise.

(f) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(b) The clause set forth in paragraph (a) of this section may be appropriately modified so as not to require advance notification of, or consent to, any subcontracts which have been definitely and finally evaluated during negotiations. In this respect, the clause may limit advance notifications thereunder to one or more particular subcontracts or classes of subcontracts, or may, in individual cases, be tailored to unusual or particular circumstances.

(c) In paragraph (b)(ii) and (iii) of the clause set forth in paragraph (a) of this section, a lower dollar amount may be inserted in lieu of $100,000 where it is determined that closer surveillance of subcontracting is desirable because of the character of the industry involved, the critical nature of work which will probably be subcontracted, the absence of competition in placing the prime contract, uncertainties as to the adequacy of the contractor's purchasing system, or the novelty of the supplies or services being procured. A higher dollar amount than $100,000 may be inserted in paragraph (b)(ii) and (iii) of the clause when the insertion of the higher amount is approved at a level higher than that of the contracting officer, as prescribed by the Department concerned.

§ 3.903–2 Subcontracts clauses for cost-reimbursement contracts.

(a) An appropriate subcontracts clause from § 7.203–8 or § 7.402–8 of this chapter shall be included in all cost-reimbursement type contracts.

(b) In cost sharing contracts where the contractor's share is 25 percent or more, and in cost-plus-incentive-fee contracts in which the cost incentive provides for both (1) a swing from target fee of at least ±3 percent and (2) a contractor's overall cost share of at least 10 percent, consent is not required for subcontracts, except subcontracts for research and development, coming under any part of a contractor's purchasing system that has been approved. (A profit swing of at least ±3 percent and cost sharing of at least 90/10 have been specified only for the purpose of establishing a general rule for relaxation of the consent to subcontract requirement in cost-plus-incentive-fee contracts. Some contracts may provide sufficient incentive for control of costs and not meet this test; other contracts may meet or surpass this test and yet not provide

sufficient incentive for control of costs. In such cases, contracting officers should seek authority to deviate from this subchapter (see § 1.109 of this chapter). Contracting officers shall still be guided by the criteria set forth in § 3.405–4 in negotiating meaningful incentive formulae.)

(c) In all other cost-reimbursement type, time and materials and labor-hour contracts, and in letter contracts which contemplate any of the foregoing types of definitive contracts, consent is required for subcontracts which—

(1) Are cost-reimbursement type, time and materials, or labor-hour;

(2) Provide for the fabrication, purchase, rental, installation, or other acquisition of any item of industrial facilities (except special tooling); or

(3) Are for research and development; and also for the following additional subcontracts unless they come under a part of the contractor's purchasing system that has been approved—

(4) Fixed-price type subcontracts exceeding either $25,000 or 5 percent of the total estimated prime contract price; and

(5) Subcontracts covering special tooling.

§ 3.903–3 Approval of purchasing system.

(a) Approval of a contractor's purchasing system should be granted only after a survey which includes review of such factors as:

(1) The degree of competition obtained by the contractor's purchasing methods;

(2) The contractor's pricing policies and techniques, when necessary, including his methods of obtaining accurate, complete, and current cost and pricing data;

(3) The contractor's method of evaluating subcontractors' responsibility (§ 1.906 of this chapter);

(4) The extent to which the purchasing system is consistent with any contract requirements covering small business and labor surplus area concerns;

(5) The treatment accorded affiliates of the contractor or other concerns having close working arrangements with the contractor;

(6) The extent to which the contractor obtains assurance that his prinpal subcontractors apply sound pricing practices and a satisfactory purchasing system in dealing with lower-tier subcontractors; and

(7) Types of contracts used (Subpart D of this part).

(b) Approval of a contractor's purchasing system may be in whole or in part. For example, the purchasing system may be approved except for subcontracts in excess of a stated amount or except for subcontracts for stated work which is of such critical nature that extraordinary Government surveillance is called for. Where approval is withheld, in whole or in part, because of deficiencies in the purchasing system, the contractor shall be notified of such deficiencies and requested to correct them.

(c) Upon approval of the contractor's purchasing system (whether in whole or in part) the contracting officer shall give the contractor written notice thereof. The notice shall set forth any limitations on the approval and shall state that the approval does not (1) relieve the prime contractor of any of his obligations under any contract, (2) restrict the Government from subsequently withdrawing the approval in whole or in part, or (3) cover any unapproved material changes which the contractor may make in his purchasing system.

(d) After approval of the contractor's purchasing system, periodic examination of the contractor's operations under such system shall be made to determine whether any substantial changes in procedures, initiated by the contractor or as a result of recommendations by the Government, have occurred, as well as to evaluate the contractor's performance under the purchasing system.

(e) Prior to conduct of a survey of the contractor's purchasing system, the contracting officer or responsible activity shall ascertain in accordance with Departmental procedures whether other Department of Defense activities have conducted surveys of the purchasing system. In this connection, pertinent information relating to the most recent survey and the results thereof (including any updating accomplished) shall be requested and shall be furnished expeditiously by the activity performing such review. Maximum use will be made of the past evaluation in order to prevent needless multiplicity of surveys.

(f) In reviewing the contractor's purchasing system, particular attention should be paid to whether subcontracting is done competitively to the extent practical. This involves not only the question whether a sufficient number of sources is solicited, but also whether the contractor's subcontracting procedures provide all other elements of free and open competition, including adequate descriptions in solicitations of any factors to be evaluated and the basis for their evaluation, so that all offers may be evaluated on a common basis.

§ 3.903–4 Review of subcontracts.

(a) In reviewing of consenting to subcontracts, the contracting officer should give appropriate consideration to the following:

(1) Whether the decision to enter into the proposed subcontract is consistent with the contractor's approved "make-or-buy" program, if any (see § 3.902);

(2) Whether the proposed subcontract will require the use of Government-furnished facilities;

(3) The responsibility of the proposed subcontractor (§ 1.906 of this chapter);

(4) Basis for selecting proposed subcontractor, *including* the degree of competition obtained;

(5) Cost or price analysis or price comparisons accomplished, with particular attention to whether cost or pricing data are accurate, complete, and current (see §§ 1.303 and 3.807–3);

(6) Extent of subcontract supervision;

(7) Types of contracts used (Subpart D of this part);

(8) Estimated total extent of subcontracting, including procurement of parts and materials; and

(9) The extent to which the prime contractor obtains assurance of the adequacy of the subcontractor's purchasing system.

(b) In reviewing subcontracts, careful and thorough evaluation is particularly necessary when:

(1) The prime contractor's purchasing system or performance thereunder is considered inadequate;

(2) Subcontracts are for items for which there is no competition or for which the proposed prices appear unreasonable (see § 3.807–10(b));

(3) Close working arrangements or business or ownership affiliations exist between the prime and the subcontractor which may preclude the free use of competition or result in higher subcontract prices than would otherwise be obtained;

(4) A subcontract is being proposed at a price less favorable than that which has been given by the subcontractor to the Government, all other factors such as manufacturing period and quantity being comparable; or

(5) A subcontract is to be placed on a cost-reimbursement, time and material, labor-hour, fixed-price incentive, or fixed-price redeterminable basis.

Where subcontracts have been placed on a cost-reimbursement, time and materials, or labor-hour basis, contracting officers should be skeptical of approving the repetitive or unduly protracted use of such types of subcontracts and should follow the principles of § 3.803(b).

§ 3.903–5 Disputes provisions in subcontracts.

(a) Although consent by a contracting officer to a subcontract in and of itself does not constitute agreement with the terms and conditions of the subcontract, a contracting officer should not consent to provisions in subcontracts purporting to give the subcontractor a direct right to obtain a decision of the contracting officer or a direct right of appeal to the Armed Services Board of Contract Appeals. The Government is entitled to the management services of the prime contractor in adjusting disputes between the prime contractor and his subcontractors. Contracting officers should act only in disputes arising under the prime contract, and then only with and through the prime contractor, even if a subcontractor is affected by the dispute between the Government and the prime contractor. Contracting officers should not participate in disputes between a prime contractor and his subcontractors.

(b) A contracting officer should not however, refuse consent to a subcontract particularly under a cost-reimbursement type contract, merely because it contains a clause that allows the subcontractor, if he is affected by a dispute arising under the prime contract, an indirect appeal to the Armed Services Board of Contract Appeals (1) by asserting the prime contractor's right to take such an appeal, or (2) by having the prime contractor prosecute such an appeal on behalf of the subcontractor. Such a clause should not attempt to obligate the contracting officer or the Board to decide questions that do not arise between the Govern-

ment and the prime contractor, or that are not cognizable under the "Disputes" clause of the prime contract, and should not attempt to obligate the contracting officer to notify or deal directly with the subcontractor. Such a clause may appropriately provide that the prime contractor and subcontractor will be equally bound by the contracting officer's or Board's decision on a dispute.

(c) The prime contractor and his subcontractor may agree to arbitration to settle disputes. The results of such arbitration and the cost resulting therefrom, however, are not binding on the contracting officer; they are subject to independent review and approval under the prime contract. The contracting officer should not consent to provisions in subcontracts purporting to make the results of arbitration binding on the Government.

§ 3.904 Additional contract clauses.

Additional contract clauses with respect to subcontracting with Small Business and Labor Surplus Area concerns are set forth in Part 7 of this chapter.

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

20. Paragraph (b) of § 4.211 is revised; and new Subpart G is added, as follows:

§ 4.211 Scientific and technical reports.

* * * * *

(b) It is important that the results of research and development contracts be made readily available to Government activities, and to non-Government organizations and persons who have a need to know in accordance with procedures of the Military Departments. Defense Documentation Center, Cameron Station, Alexandria, Va., 22314, provides a central service for the interchange of scientific and technical information of value to Department of Defense agencies and contractors.

Subpart G—Leader Company Procurement

Sec.
4.701 General.
4.702 Limitations on use.
4.703 Procedures.

AUTHORITY: The provisions of this Subpart G issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 4.701 General.

Leader company procurement is an extraordinary procurement technique under which the developer or sole producer of an item or system (the leader company) furnishes manufacturing assistance and know-how or otherwise enables a follower company to become a source of supply for the item or system. This technique is used only under an appropriate negotiation authority and when approved by the head of a procuring activity to accomplish one or more of the following objectives:

(a) Shortening the time for delivery;

(b) Establishing additional sources of supply for reasons such as geographical dispersion or broadening the production base;

(c) Making maximum use of scarce tooling or special equipment;

(d) Achieving economy in production;

(e) Assuring uniformity and reliability in equipment performance, compatibility or standardization of components, and interchangeability of parts;

(f) Eliminating problems in use of proprietary data not amenable to other more satisfactory solutions; or

(g) Effecting transition from development to production and to subsequent competitive procurement of end items or of major components.

§ 4.702 Limitations on use.

Leader company procurement is to be used only when all of the following circumstances are present:

(a) The leader company possesses the necessary production know-how and is able to furnish the requisite assistance to the follower;

(b) No source of supply (other than a leader company) would be able to meet the Government's requirements without the assistance of a leader company;

(c) The assistance required of the leader company is limited to that which is essential to enable the follower company to produce the items; and

(d) The Government reserves the right to approve contracts between the leader and follower companies.

§ 4.703 Procedures.

(a) One procedure is to award a prime contract to an established source (leader company) in which the source is obligated to subcontract a designated portion of the total number of end items required to a specified subcontractor (follower company) and to assist the follower company in that production.

(b) A second procedure is to award a prime contract to the leader company for the requisite assistance to the follower company, and another prime contract to the follower company for production of the items.

(c) A third procedure is to award a prime contract to the follower company for the items, under which the follower company is obligated to subcontract with a designated leader company for the requisite assistance.

PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

21. In § 5.1002, paragraph (b) is revised and new paragraph (d) is added, and a new § 5.1106–5 is added, as follows:

§ 5.1002 NASA purchase request and acceptance.

* * * * *

(b) Except as provided in paragraph (d) of this section, within 30 days after receipt of a NASA-Defense Purchase Request, the Military Department concerned will forward to the initiator of the request a DD Acceptance of MIPR Form, DD Form 448–2, in quadruplicate in accordance with instructions contained in § 5.1109. Each DD Form 448–2 will show the action being taken or to be taken to fill the requirement and the name and complete address of the Department of Defense procurement activity for future direct contact by the initiator.

* * * * *

(d) Acceptance by the Military Department is not required for NASA-Defense Purchase Requests covering deliveries of common-use standard stock items which the supplying department has on hand or on order for prompt delivery at published prices.

§ 5.1106–5 Utilization of existing Department of Defense assets.

The Requiring Department is responsible for insuring compliance with § 1.302–1 of this chapter prior to submitting military interdepartmental purchase requests for procurement action.

PART 7—CONTRACT CLAUSES

22. In § 7.103–5, the introductory sentence of paragraph (a) is revised and new paragraph (d) is added; and § 7.104–28 is revised, as follows:

§ 7.103–5 Inspection.

(a) The following clause shall be inserted in all fixed-price supply contracts, except as provided in paragraphs (b) and (c) of this section.

* * * * *

(d) Where it is desired to require contractors to maintain an inspection system in accordance with Military Specification MIL–I–45208A (see § 14.104–2(b) of this chapter), insert the following clause:

INSPECTION SYSTEM (JULY 1964)

The inspection system which the Contractor is required to maintain, as provided in paragraph (e) of the "Inspection" clause of this contract, shall be in accordance with Military Specification MIL–I–45208A.

§ 7.104–28 Quality program.

In accordance with § 14.104–3 of this chapter, in contracts for complex supplies or services requiring a quality program, insert the following clause:

QUALITY PROGRAM (JULY 1964)

The Contractor shall provide and maintain a quality program acceptable to the Government for supplies or services covered by this contract. The quality program shall be in accordance with Military Specification MIL–Q–9858A.

23. In § 7.203–5, the present text is designated as paragraph (a) with new introductory sentence added, and a new paragraph (b) is added as follows:

§ 7.203–5 Inspection of supplies and correction of defects.

(a) Except as provided in paragraph (b) of this section, the following clause shall be included in all cost-reimbursement type supply contracts:

* * * * *

(b) Where it is desired to require contractors to maintain an inspection system in accordance with Military Specification MIL–I–45208A (see § 14.104–2(b) of this chapter), the clause set forth in

paragraph (a) of this section shall be included in the contract except that the following shall be added as the third sentence of paragraph (a):

The inspection system shall be in accordance with Military Specification MIL–I–45208A. (July 1964)

24. Sections 7.203–8 and 7.204–10 are revised, and in § 7.302–4, the introductory portion of paragraph (a) is revised and new paragraph (c) is added, as follows:

§ 7.203–8 Subcontracts.

(a) In accordance with the requirements in § 3.903–2 of this chapter, and subject to the instructions in paragraphs (b) and (c) of this section, insert the following clause.

SUBCONTRACTS (APRIL 1964)

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is cost-reimbursement type, time, and material or labor-hour, or (ii) is fixed-price type and exceeds in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract.

(b) In the case of a proposed subcontract which (i) is cost-reimbursement type, time, and materials, or labor-hour and which would involve an estimated amount in excess of $10,000, including any fee; or (ii) is proposed to exceed $100,000; or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate are expected to exceed $100,000; the advance notification required by (a) above shall include:

(1) A description of the supplies or services to be called for by the subcontract;

(2) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(3) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(4) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data when such data and certificate are required, by other provisions of this contract, to be obtained from the subcontractor; and

(5) Identification of the type of contract to be used.

(c) The Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which (i) is cost-reimbursement type, time, and materials, or labor-hour, or (ii) is fixed-price type and exceeds in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, or (iii) provides for the fabrication, purchase, rental, installation or other acquisition, of any item of industrial facilities, or of special tooling having a value in excess of $1,000. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation, related in any way to this contract with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (ii), or, if the subcontract is for special tooling, within (iii), of (c) above, without the prior written consent of the Contracting Officer if the Contracting Officer has, in writing, approved the Contractor's purchasing system and the subcontract is within the limitations of such approval.

(h) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of the "Limitation on Payments" paragraph set forth in the appropriate clause prescribed by paragraph 7–108 of the Armed Services Procurement Regulation, including subparagraph (4) thereof, modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit the portion of subparagraph (3) thereof relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of the "Limitation on Payments" provision, including subparagraph (4) thereof, modified as outlined in (i) of this paragraph.

(i) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-price types of subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

(b) In contracts of the types listed § 3.903–2(b) of this chapter, insert the following paragraph (g) in lieu of paragraph (g) of the clause set forth in paragraph (a) of this section:

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts without the prior written consent of the Contracting Officer if the Contracting Officer has, in writing, approved the Contractor's purchasing system and the subcontract is within the limitations of such approval. (April 1964)

(c) In paragraph (c) of the foregoing clause, the dollar amount or percentage of contract cost relating to fixed-price type subcontracts may be varied, the dollar value of special tooling may be increased, and for the other types of subcontracts specified therein, dollar amounts not in excess of $10,000 may be established, in accordance with Departmental procedures, below which the prior written consent of the contracting officer need not be obtained.

§ 7.204–10 Quality program.

In accordance with the instructions in § 14.104–3 of this chapter, insert the clause set forth in § 7.104–28.

§ 7.302–4 Inspection.

(a) The following clause shall be used where the primary contract objective is delivery of end items other than designs, drawings, or reports, except where the contracting officer determines that the use of such clause is impracticable. Where this clause, or this clause as modified in paragraph (c) of this section, is not used, the clause in paragraph (b) of this section shall be used.

* * * * *

(c) Where it is desired to require contractors to maintain an inspection system in accordance with Military Specification MIL–I–45208A (see § 14.104–2(b) of this chapter), the clause set forth in paragraph (a) of this section shall be included in the contract, except that the following shall be added as the second sentence of paragraph (e):

The inspection system shall be in accordance with Military Specification MIL–I–45208A. (July 1964)

25. Section 7.303–15 is revised, and in § 7.402–5, the introductory portion of paragraph (a)(1) is revised and a new paragraph (c) is added, as follows:

§ 7.303–15 Quality program.

In accordance with the instructions in § 14.104–3 of this chapter, insert the clause set forth in § 7.104–28.

§ 7.402–5 Inspection and correction of defects.

(a)(1) The following clause shall be used where the primary contract objective is the delivery of end items other than designs, drawings, or reports, except where the contracting officer determines that the use of such clause is impracticable. Where this clause, or this clause as modified by subparagraphs (2) or (3) of this paragraph, or by paragraph (c) of this section, is not used, the clause in paragraph (b) of this section shall be used.

* * * * *

(c) Where it is desired to require contractors to maintain an inspection system in accordance with Military Specification MIL–I–45208A (see § 14.104–2 (b) of this chapter), the clause set forth in paragraph (a) of this section shall be included in the contract except that the following shall be added as the third sentence of paragraph (a):

The inspection system shall be in accordance with Military Specification MIL–I–45208A. (July 1964)

26. Sections 7.402–8, 7.403–15, 7.602–10, and 7.901–1 are revised to read as follows:

§ 7.402–8 Subcontracts.

(a) In accordance with the requirements in § 3.903–2 of this chapter, and subject to the instructions in paragraphs (b), (c), and (d) of this section, insert the following clause.

SUBCONTRACTS (APRIL 1964)

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is cost-reimbursement type, time and materials, or labor-hour, or (ii) is fixed-price type and exceeds in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract.

(b) In the case of a proposed subcontract which (i) is cost-reimbursement type, time and materials, or labor-hour and which would involve an estimated amount in excess of $10,000 including any fee, or (ii) is proposed to exceed $100,000; or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate are expected to exceed $100,000; the advance notification required by (a) above shall include:

(1) a description of the supplies or services to be called for by the subcontract;

(2) identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(3) the proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(4) the subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data when such data and certificate are required, by other provisions of this contract, to be obtained from the subcontractor; and

(5) identification of the type of contract to be used.

(c) The Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which (i) is cost-reimbursement type, time and materials, or labor-hour, or (ii) is fixed-price type and exceed in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, or (iii) provides for the fabrication, purchase, rental, installation, or other acquisition, of any item of industrial facilities, or of special tooling having a value in excess of $1,000, or (iv) has experimental, developmental or research work as one of its purposes. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation, related in any way to this contract, with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above the Contractor may enter into subcontracts within (ii), or, if the subcontract is for special tooling, within (iii) of (c) above, without the prior written consent of the Contracting Officer if the Contracting Officer has in writing approved the Contractor's purchasing system and the subcontract is within the limitations of such approval.

(h) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of the "Limitation on Payments" paragraph set forth in the appropriate clause prescribed by paragraph 7–108 of the Armed Services Procurement Regulation, including subparagraph (4) thereof, modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) thereof relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of the "Limitation on Payments" provision, including subparagraph (4) thereof, modified as outlined in (i) above.

(i) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-price types of subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

(b) In contracts of the types listed in § 3.903–2(b) of this chapter, insert the following paragraph (g) in lieu of paragraph (g) of the clause set forth in paragraph (a) of this section:

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (i), (ii), or (iii) of (c) above without the prior written consent of the Contracting Officer, if the Contracting Officer has in writing approved the Contractor's purchasing system and the subcontract is within the limitations of such approval. (April 1964)

(c) In paragraph (c) of the foregoing clause, the dollar amount of percentage of contract cost relating to fixed-price type subcontracts may be varied, the dollar value of special tooling may be increased, and for the other types of subcontracts specified therein, dollar amounts not in excess of $10,000 may be established, in accordance with Departmental procedures, below which the prior written consent of the contracting officer need not be obtained.

(d) In contracts without fee with educational institutions, insert the following paragraph in lieu of paragraph (c) of the clause set forth in paragraph (a) of this section, and change "(iii)" in paragraph (g) to "(iv)".

(c) The Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which (i) is cost-reimbursement type, time and materials, or labor-hour, or (ii) is fixed-price type and exceeds in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, or (iii) provides for the construction, purchase, rental, installation, or other acquisition of nonseverable industrial facilities, or (iv) provides for the fabrication, purchase, rental, installation, or other acquisition, of any item of either (A) severable industrial facilities having a value in excess of $1,000 or the amount, if any, specified in the Schedule or Task Order, whichever is the lesser, or (B) special tooling having a value in excess of $1,000, or (v) has experimental, developmental, or research work as one of its purposes. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer required by this paragraph (c). (April 1964)

In the foregoing paragraph (c) of the clause, the percentage and amount set forth in (ii) thereof may be varied and, in (i) and (v) thereof, dollar amounts not in excess of $10,000 may be established below which the prior written consent of the contracting officer need not be obtained, in accordance with Departmental procedures. In (iv) thereof, the $1,000 limit may, in the discretion of the contracting officer, be decreased where it is determined to be in the interest of the Government, in view of such circumstances of each particular contract, as, for example, the nature of the contractor's operations, previous experience with the contractor on comparable procurements, the accounting and purchasing systems of the contractor, accounting and supply systems of the procurement activity, and the capability of the procuring activity to effect close surveillance of the contractor's purchasing and accounting practices. Also, in the discretion of the contracting officer, the cumulative total of such acquisitions of severable industrial facilities may be limited to a stated dollar amount or an amount equal to a stated percentage of the estimated cost beyond which the contractor will be required to obtain written consent of the contracting officer for any additional acquisitions of such facilities. With respect to special tooling, the $1,000 limit may be increased.

§ 7.403–15 Quality program.

In accordance with the instructions in § 14.104–3 of this chapter, insert the clause set forth in § 7.104–28.

§ 7.602–10 Contractor inspection system.

(a) Except as provided in paragraph (b) of this section, insert the following clause in all contracts in excess of $10,000.

CONTRACTOR INSPECTION SYSTEM (Nov. 1961)

The Contractor shall (i) maintain an adequate inspection system and perform such inspections as will assure that the work performed under the contract conforms to contract requirements, and (ii) maintain and make available to the Government adequate records of such inspections.

(b) Where it is desired to require contractors to maintain an inspection system in accordance with Military Specification MIL–I–45208A (see § 14.104–2(b) of this chapter), the clause set forth in paragraph (a) of this section shall be included in the contract with the following additional sentence:

The inspection system shall be in accordance with Military Specification MIL–I–45208A. (JULY 1964)

§ 7.901–1 Definitions.

Insert the contract clause set forth in § 7.103–1. Additional definitions may be included in such clause provided they are not inconsistent with such clause or the provisions of this subchapter.

27. In § 7.901–6, the portion of the section following clause paragraph (g) is revised; § 7.901–8 is revised; and new § 7.901–24 is added, to read as follows:

§ 7.901–6 Payments.

* * * * *

In the foregoing clause, substitute in contracts of the Department of the Navy the words "the Director, Contract Audit Division, Office of the Comptroller of the Navy, Washington, D.C." for the words "the Contracting Officer" in first para-

graph; in paragraph (a)(1); in paragraph (b)(1); and in paragraph (e), first and second sentences. The following may be inserted as paragraph (b)(4) in the foregoing "Payments" clause where the nature of the work to be performed requires the contractor to furnish material which is regularly sold to the general public in the normal course of business by the contractor, and in accordance with the limitations contained in § 3.406–1(d) (1) and (2) of this chapter:

(4) When the nature of the work to be performed requires the Contractor to furnish material which is regularly sold to the general public in the normal course of business by the Contractor, the price to be paid for such material, notwithstanding (b)(1), above, shall be on the basis of an established catalog or list price, in effect when the material is furnished, less all applicable discounts to the Government; *provided* that in no event shall such price be in excess of the Contractor's sales price to his most favored customer for the same item in like quantity, or the current market price, whichever is lower.

§ 7.901–8 Disputes.

Insert the clause set forth in § 7.103–12. In contracts of the Department of the Navy, the instructions in § 7.203–12 are applicable to this clause.

§ 7.901–24 Renegotiation.

In accordance with the requirements of § 7.103–13 insert the appropriate contract clause set forth therein.

PART 8—TERMINATION OF CONTRACTS

28. In § 8.505–3, paragraphs (a) and (b) are revised to read as follows:

§ 8.505–3 Procedures for production equipment.

(a) *First through 75th day.* Except as indicated in paragraph (b) of this section, production equipment shall be screened concurrently by the procuring Department, requiring Department, and the Defense Logistics Services Center (DLSC). The procuring Department shall designate the 90th day as the automatic release date (ARD). The automatic release date shall not be extended. Items of production equipment in the Production Equipment and Standard Commodity Classification Codes (PEC and SCC) listed in paragraph (d) of this section shall be reported by the procuring Department to the Materiel Interservicing Division, Defense Logistics Services Center (DLSC), 50 North Washington Street, Battle Creek, Michigan, when the acquisition value of the item is $500 or more, and the condition of the item is *N* (New, never used), *U* (Usable without repairs), *E* (Rebuilt, not used since rebuilt), *R* (Unusable unless repaired), or *M* (Usable as originally designed if missing, worn, or broken parts are replaced). The Defense Logistics Services Center shall on the 31st day forward four copies of the Schedules reflecting deletions of retained items to the appropriate General Services Administration regional office for screening. The Defense Logistics Services Center and General Services Administration shall be advised of the automatic release date. The General Services Administration screening will be accomplished by the 75th day. The Defense Logistics Services Center and General Services Administration will issue transfer orders and shipping instructions which shall be promptly honored and delivery authorized.

(b) Items of production equipment with an acquisition value of less than $500 shall not be reported to the Defense Logistics Services Center but shall be reported and screened in accordance with § 8.505–2.

* * * * *

PART 10—BONDS, INSURANCE, AND INDEMNIFICATION

29. Paragraph (b)(2) of § 10.404 is revised to read as follows:

§ 10.404 Aircraft—ground and flight risk.

* * * * *

(b) * * *

(2) The Government need not assume the risk of damage to, or loss or destruction of, aircraft, as provided by the foregoing clause, if the best estimate of premium costs which would be included in the contract price for insurance coverage for such damage, loss, or destruction at any plant or facility is less than $500. The Government shall not assume such risks if the aircraft is being acquired in connection with a Military Assistance Sale and the foreign government involved has not agreed to assume such risks. If it is determined not to assume such risks, the foregoing clause shall not be made a part of the contract, and the cost of necessary insurance to be obtained by the contractor to cover such risks shall be considered in establishing the contract price. In such cases, however, if performance of the contract is expected to involve the flight of Government-furnished aircraft, the substance of the Flight Risks clause in § 10.504, suitably adapted for use in a fixed-price type contract, shall be used.

* * * * *

PART 12—LABOR

30. In § 12.102–3, the introductory portion of paragraph (a) is revised to read as follows:

§ 12.102–3 Procedures.

(a) To prevent uneconomic use of overtime, at Government expense, the following clause shall be included in all cost-reimbursement type contracts in excess of $100,000, except cost-plus-incentive-fee contracts having a cost incentive which provides for a swing from target fee of at least ±3 percent and a contractor's share of cost of at least 10 percent.

* * * * *

PART 14—INSPECTION AND ACCEPTANCE

31. New paragraph (c) is added to § 14.101; § 14.104 is revised; and new §§ 14.104–1, 14.104–2, 14.104–3, 14.110, 14.110–1, 14.110–2, and 14.110–3 are added, as follows:

§ 14.101 General.

* * * * *

(c) The contracting officer or his representative shall assure that the contractor maintains adequate inspection or quality measures pertinent to the inspection, inspection system, or quality program provisions of the contract. Government inspection activities shall plan and conduct systematic evaluation and verification of the contractor's inspection and quality measures, and of the acceptability of supplies. Such evaluation and verification shall provide the maximum assurance of quality consistent with efficient use of Government and contractor manpower and facilities.

§ 14.104 Contractor responsibility.

§ 14.104–1 General.

The standard inspection clauses in part 7 of this chapter require the contractor to maintain an inspection system acceptable to the Government and records of all inspection work performed by the contractor. The contractor's inspection and quality efforts shall provide reasonable assurance that the supplies or services under the contract will conform to contract requirements and shall include procedures necessary to this end. When military or federal specifications are used to establish requirements in the contract, the supplier shall be required to perform all examinations and tests called for by the contract requirements and specifications except those which are reserved for performance by the Government. Contractors are required to establish and maintain either inspection, an inspection system, or a quality program acceptable to the Government. The contractor is also required to maintain records of all inspection.

§ 14.104–2 Contractor inspection.

(a) *Standard inspection clauses.* For the majority of contracts, the standard inspection clauses in §§ 7.103–5 (a), (b) and (c), 7.203–5(a), 7.302–4 (a) or (b), 7.402–5 (a)(1) or (b), and 7.602–10(a) of this chapter provide sufficient assurance that the supplies or services conform to contract requirements.

(b) *Inspection system.* When it is desired to require the contractor to maintain an inspection system as prescribed by Military Specification MIL–I–45208A, the clause prescribed by §§ 7.103–5(d), 7.203–5(b), 7.302–4(c), 7.402–5(c), and 7.602–10(b) of this chapter shall be used. Supplies and services require such an inspection system if total conformance to requirements can be obtained effectively and economically by controlling only inspection and testing rather than all work operations. The required inspection system controls all of the inspections and tests necessary to substantiate the product's conformance to drawings, specifications and other contract requirements, including testing of raw materials, inspection and testing at all stages of manufacture, and inspection and testing of the final end item. Instructions, drawings, equipment, sam-

pling, and all other aspects of the inspection and testing functions are required to be controlled. The requirements of MIL–I–45208A are in addition to those in applicable specifications or other contractual documents. This inspection system clause shall not be used in contracts where it is sufficient to use the clauses referenced in paragraph (a) of this section, or where the "Quality Program" clause described in § 14.104–3 is used.

§ 14.104–3 Contractor quality program.

(a) When total conformance of supplies or services can be assured only by the control of all work operations, as well as control of inspections and tests, the clause prescribed by §§ 7.104–28, 7.204–10, 7.303–15, and 7.403–15 of this chapter shall be inserted in the contract. This clause requires that the contractor provide and maintain a quality program in accordance with the requirements of Military Specification MIL–Q–9858A. A MIL–Q–9858A quality program assures adequate quality throughout all areas of contract performance; for example, design, development, fabrication, processing, assembly, inspection, test, maintenance, packaging, shipping, and storage. Such program includes effective control of quality of supplies, complete control of all work operations including manufacturing, fabrication, and assembly operations, and clear delineation of the authority and responsibility of those in charge of design, production testing, and inspection. Cost data compiled by the contractor, such as data relating to the cost of preventing and correcting nonconforming supplies shall be used to aid in managing the quality program. Drawings, engineering changes, measuring equipment, and other facilities and standards which are necessary for the creation of the required quality shall be adequate, complete, and current. Components, equipment and systems, that form a part of complex supplies may in themselves be so complex that a quality program is required.

(b) When Military Specification MIL–Q–9858A is contractually required of a prime contractor, he may insert Military Specification MIL–I–45208A in his subcontracts when the more stringent requirements of MIL–Q–9858A are not considered necessary to obtain the required quality.

(c) This clause requiring a quality program shall not be used for supplies or services requiring an inspection system for which Military Specification MIL–I–45208A applies. (See § 14.104–2(b).)

§ 14.110 Authorizing shipment of supplies.

§ 14.110–1 General.

Generally, the Government inspector shall sign or stamp the shipping papers accompanying source inspected supplies on both prime contracts and subcontracts to release them for shipment. In accordance with the criteria in § 14.110–2 (a), however, an alternative procedure may be used in which the supplier assumes the responsibility for the release for shipment of supplies inspected at contractor and subcontractor facilities, just as the supplier may be given the responsibility for other functions of quality assurance. When this alternative procedure is used, it will release Department of Defense manpower for technical inspection functions by eliminating routine signing or stamping of the papers accompanying each shipment.

§ 14.110–2 Alternative procedure—contractor release for shipment.

(a) The inspecting activity servicing the contract may authorize the supplier to release supplies for shipment when:

(1) When the stamping or signing of the shipping papers by the Government inspector impairs the operation of a planned technical inspection program or places an unreasonable demand on the inspector's time;

(2) There is sufficient continuity of production to permit the establishment of a systematic and continuing Government evaluation of the supplier's control of quality; and

(3) The contractor has a record of adequate quality assurance, including quality pertaining to preparation for shipment.

(b) When the alternative procedure is used, the supplier shall type or stamp and sign the following statement on each copy of the shipping papers:

> The supplies comprising this shipment have been subjected to and have passed all examinations and tests required by the contract, were shipped in accordance with authorized shipping instruction, and conform to the quality, identity and condition called for in contractual requirements and to the quantity shown on this document. This shipment was released in accordance with the Department of Defense Procedure for Authorizing Shipment of Supplies under authority granted by (Name and Title of inspector) in a letter dated (date of authorizing letter).
>
> ---
>
> (Signature and title of supplier's authorized representative)

§ 14.110–3 Administration of alternative procedure.

(a) *Departmental level.* Each Department shall:

(1) Determine, in accordance with AMCR 715–508 and 715–509, ONM Notice 4355 dated 14 March 1963, AFSC Manual 74–1, or DSA–H–4155.1, the extent to which this procedure is to be used by its inspecting activities;

(2) Designate the field offices responsible for authorizing suppliers to use this procedure;

(3) Inform its receiving activities that a packing sheet bearing the statement in § 14.110–2(b) identifies supplies that have received Government inspection; and

(4) Require receiving activities to transmit promptly information that might warrant withdrawal of the authorization.

(b) *Field level.* The office responsible for authorizing suppliers to use this procedure shall:

(1) Determine, in accordance with AMCR 715–508 and 715–509, ONM Notice 4355 dated 14 March 1963, AFSC Manual 74–1, or DSA–H–4155.1, that the supplier has established satisfactory quality control;

(2) Provide a Government inspection program to assure that the supplier continues to maintain satisfactory quality control;

(3) Notify the supplier, in writing, that he is authorized to use this procedure; and

(4) Notify the supplier, in writing, when authorization to use this procedure is withdrawn.

(c) *Supplier plant level.* The cognizant inspector for the plant of a contractor or subcontractor authorized to use this procedure shall:

(1) Instruct the supplier of his responsibility for the performance of inspections required by the contract and for the processing and release of supplies for shipment;

(2) Where acceptance and delivery are at point of origin, sign and date Block A of those copies of DD Form 250 which are to be attached to the contractor's invoice for submission to the paying activity; and

(3) Where the criteria in § 14.110–2 (b) are not being met, recommend to the office in paragraph (b) of this section that the authorization be withdrawn.

(d) *Receiving level.* The cognizant inspector at any location receiving supplies released under this procedure shall:

(1) Inform the receiving activity of the purpose of this procedure;

(2) Instruct the receiving activity that the statement in § 14.110–2(b) identifies supplies that have received Government inspection at the supplier's plant; and

(3) Promptly notify the cognizant inspector at the supplier's plant of inadequacies in supplies that might be cause for withdrawal of the authorization to use this procedure.

[Rev. 6, ASPR, July 1, 1964] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64–8335; Filed, Aug. 18, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 831.4, Rev. 1]

PART 831—BEET SUGAR AREA

1964 and Subsequent Crops

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended, the title of Part 831 is amended to read "Part 831—Beet Sugar Area 1964 and Subsequent Crops" and § 831.4 (24 F.R. 6991) is revised to read as follows:

§ 831.4 Determination of sugar commercially recoverable from sugarbeets.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Settlement area" means an area in which the marketing agreements between producers and the processor for each crop of sugarbeets contain a common pricing formula.

(2) "Base period" means the first five of the last six crops immediately preceding the crop year for which rates of recoverability are to be established.

(3) "Extraction rate" for a crop means the percentage obtained by dividing the hundredweight of refined sugar recovered from the total quantity of sugarbeets marketed for the extraction of sugar in the United States by the hundredweight of total computed sugar content of such beets. The sugar content of such beets shall be computed by multiplying the quantity of beets marketed to each sugarbeet processing company by the weighted average sugar content of cossettes sliced in the factories operated by the company and adding the products for all such companies to obtain the total computed sugar content.

(b) *Recoverable sugar.* The amount of sugar, raw value, commercially recoverable from sugarbeets shall be deemed to be as follows:

(1) In the case of sugarbeets marketed in a settlement area under any type of agreement other than an "individual test" contract or a "combined individual-cossette test" contract, the amount of sugar (expressed in hundredweight) established by multiplying the net tonnage of the sugarbeets, at the time of delivery to a processor, by a rate expressed in hundredweight of sugar per ton of beets (rounded to three decimals). Such rate shall be computed by (i) multiplying 20 hundredweight (one ton) by the weighted average percentage of sugar content of all the sugarbeets of the next preceding 7 crops marketed on such basis in such settlement area, according to cossette tests made by the processor, and (ii) multiplying the result obtained under subdivision (i) of this subparagraph (1) by the simple average of the extraction rates for the sugarbeet crops in the base period, as adjusted to raw sugar value by multiplying by 1.07.

(2) In the case of sugarbeets marketed under an "individual test" contract, the amount of sugar (expressed in hundredweight) established by multiplying the net tonnage of the sugarbeets, at the time of delivery to a processor, by a rate expressed in hundredweight of sugar per ton of beets (rounded to three decimals). Such rate shall be computed by (i) multiplying 20 hundredweight (one ton) by the percentage of sugar content on which settlement under the marketing contract is made, (ii) multiplying the result obtained under subdivision (i) of this subparagraph by the simple average of the extraction rates for the sugarbeet crops in the base period, as adjusted to raw sugar value by multiplying by 1.07, and (iii) multiplying the result obtained under subdivision (ii) of this subparagraph by the ratio which the simple average for the crops in the base period of the annual weighted average percentages of sugar content of all the beets which were marketed under individual test contracts, according to cossette tests and tonnages processed, bears to the simple average of the annual weighted average percentages of sugar content of such beets according to individual tests and marketed tonnages.

(3) In the case of sugarbeets of the 1964 and subsequent crops marketed under a "combined individual-cossette test" contract, the amount of sugar (expressed in hundredweight) established by multiplying the net tonnage of the sugarbeets, at the time of delivery to a processor, by a rate expressed in hundredweight of sugar per ton of beets (rounded to three decimals). Such rate shall be computed by:

(i) Multiplying the weighted average percentage of sugar content of the beets delivered by a producer by a factor computed by dividing the factory cossette test average by the weighted average sugar content of all beets delivered to the factory as determined by individual tests. For the Grand Island, Nebraska, settlement area the factory cossette test average shall be that for the current sugarbeet crop and in each other "combined individual-cossette test" area, such factory cossette test average shall be the weighted average percentage of sugar content of all the sugarbeets of the next preceding 7 crops marketed in such settlement area.

(ii) Multiplying 20 hundredweight (one ton) by the adjusted average percentage obtained in subdivision (i) of this subparagraph, and

(iii) Multiplying the result obtained in subdivision (ii) of this subparagraph by the simple average of the extraction rates for the sugarbeet crops in the base period, as adjusted to raw value by multiplying by 1.07.

(c) *Delegation and effectiveness.* The applicable rates of sugar commercially recoverable, as determined herein, shall be established by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, and shall become effective for each crop when the specific rates for individual settlement areas, as provided for in paragraph (b)(1) of this section, and directions for computing the rates provided for in paragraph (b) (2) and (3) of this section are published in the FEDERAL REGISTER.

This determination supersedes, with respect to the 1964 and subsequent crops, § 831.4, issued August 26, 1959 (24 F.R. 6991).

STATEMENT OF BASES AND CONSIDERATIONS

Determination of amounts of sugar commercially recoverable from sugarbeets are required under section 302(a) of the Act to establish the amounts of sugar upon which payments under the Act may be made.

When the previous determination was issued in August, 1959, sugarbeets were marketed under either an "individual test" contract or a "cossette test" contract. Beginning with the 1962 crop, sugarbeets in the Grand Island, Nebraska settlement area were marketed under a "combined individual-cossette test" contract. Under this type of contract, each grower's weighted average individual test for a crop year was factored so that the average of such tests for all growers in the settlement area coincided with the weighted average factory cossette test for such crop year. Sugar Act payments were based on these factored tests. Provision for this type of contract was incorporated into the determination by amendment (27 F.R. 7919). For the 1963-crop year a second settlement area, the Billings, Montana-Lovell, Wyoming area, adopted the "combined individual-cossette test" type contract. However, objections were raised by some producers over the resulting delay in Sugar Act payments since a grower's adjusted percentage of sugar content could not be determined until all sugarbeets delivered to the factory were processed and the factory cossette test computed for the current year. The determination was amended in December, 1963 (28 F.R. 13863), to provide a means whereby partial payments could be made to growers in these areas with the final payment made after the processing season was ended.

For the 1964 crop, one additional area, the Hardin, Montana, area of the Holly Sugar Corporation, has indicated that settlements will be based on the "combined individual-cossette test" type of contract. The Nampa-Nyssa area of the Amalgamated Sugar Company has expressed interest in this method beginning with either the 1964 or 1965 crop. Since the computation of Sugar Act payments on a "partial" basis is costly and generally unsatisfactory, this determination provides that the percentage of sugar content of all growers within a settlement area shall be adjusted to the cossette test average for the current year, as heretofore done, or adjusted to the 7-year factory cossette test average computed in the same way as in the regular cossette test areas. If the adjustment is made to the current year's average, a delay in payments will result, as no additional partial payments are contemplated. If the adjustment is made to the seven year average, no delay in payments will be experienced. The processor and the grower representatives in the Grand Island, Nebraska, area requested that for that area, rates of commercially recoverable sugar continue to be based on the cossette test average for the current crop. The processors and grower representatives in the other areas requested that the rates of commercially recoverable sugar be based on the 7-year cossette test average. This determination makes these provisions.

Accordingly, I hereby find and conclude that this determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 302, 303, 304, 61 Stat. 930, as amended, 931; 7 U.S.C. 1132, 1133, 1134)

Effective date: Date of publication.

Signed at Washington, D.C., on August 13, 1964.

CHARLES S. MURPHY,
Acting Secretary of Agriculture.

[F.R. Doc. 64-8353; Filed, Aug. 18, 1964; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Reg., 1964-Crop Barley Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1964-Crop Barley Loan and Purchase Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation (29 F.R. 6618) which contain regulations with respect to price support loan and purchase operations for the 1964-crop of barley are hereby amended to incorporate the basic support rates for designated terminal markets and for counties.

Section 1421.2231 is amended by adding paragraphs (e) and (f) as follows:

§ 1421.2231 Support rates.

* * * * *

(e) *Basic support rates for terminal markets.*

Terminal market:	Rate per bushel
Atchinson, Kans	$1.05
Kansas City, Mo	1.05
Saint Joseph, Mo	1.05
Omaha, Nebr	1.03
Sioux City, Iowa	1.03
Minneapolis, Minn	1.03
Duluth, Minn	1.03
Superior, Wis	1.03
Saint Paul, Minn	1.03
Galveston, Tex	1.12
Houston, Tex	1.12
Port Arthur, Tex	1.12
Baton Rouge, La	1.12
New Orleans, La	1.12
Beaumont, Tex	1.12
Chicago, Ill	1.07
Saint Louis, Mo	1.07
Milwaukee, Wis	1.07
Memphis, Tenn	1.06
Cairo, Ill	1.06
Longview, Wash	1.07
Tacoma, Wash	1.07
Vancouver, Wash	1.07
Seattle, Wash	1.07
Kalama, Wash	1.07
Portland, Oreg	1.07
Astoria, Oreg	1.07
San Francisco, Calif	1.09
Stockton, Calif	1.09
Oakland, Calif	1.09
Los Angeles, Calif	1.09
Long Beach, Calif	1.09
Wilmington, Calif	1.09
Albany, N.Y	1.16
Philadelphia, Pa	1.16
Baltimore, Md	1.16
New York, N.Y	1.16
Norfolk, Va	1.16

(f) *Basic support rates for counties.*

ALABAMA

County	Rate per bushel
All counties	$0.90

ALASKA

All areas	$1.80

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$0.75	Mohave	$0.75
Cochise	.85	Javajo	.75
Coconino	.75	Pima	.89
Gila	.68	Pinal	.92
Graham	.80	Santa Cruz	.87
Greenlee	.68	Yavapai	.75
Maricopa	.92	Yuma	.93

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$0.93	Lee	$0.93
Ashley	.90	Lincoln	.91
Baxter	.84	Little River	.82
Benton	.80	Logan	.82
Boone	.83	Lonoke	.93
Bradley	.85	Madison	.80
Calhoun	.85	Marion	.83
Carroll	.82	Miller	.82
Chicot	.91	Mississippi	.93
Clark	.84	Monroe	.93
Clay	.93	Montgomery	.82
Cleburne	.93	Nevada	.83
Cleveland	.87	Newton	.83
Columbia	.83	Ouachita	.84
Conway	.91	Perry	.84
Craighead	.93	Phillips	.93
Crawford	.82	Pike	.83
Crittenden	.93	Poinsett	.93
Cross	.93	Polk	.80
Dallas	.85	Pope	.84
Desha	.92	Prairie	.93
Drew	.90	Pulaski	.92
Faulkner	.91	Randolph	.93
Franklin	.83	St. Francis	.93
Fulton	.87	Saline	.87
Garland	.84	Scott	.80
Grant	.85	Searcy	.83
Greene	.93	Sebastian	.82
Hempstead	.83	Sevier	.81
Hot Spring	.85	Sharp	.87
Howard	.82	Stone	.85
Independence	.89	Union	.83
Izard	.85	Van Buren	.87
Jackson	.93	Washington	.80
Jefferson	.92	White	.93
Johnson	.83	Woodruff	.93
Lafayette	.83	Yell	.84
Lawrence	.93		

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$0.98	Placer	$0.97
Alpine	.89	Plumas	.89
Amador	.98	Riverside	.94
Butte	.96	Sacramento	.98
Calaveras	.98	San Benito	.96
Colusa	.97	San Bernardino	.96
Contra Costa	.98	San Diego	.94
El Dorado	.96	San Joaquin	1.00
Fresno	.96	San Luis Obispo	.94
Glenn	.96	San Mateo	.98
Humboldt	.85	Santa Barbara	.92
Imperial	.95	Santa Clara	.98
Inyo	.81	Santa Cruz	.96
Kern	.95	Shasta	.88
Kings	.97	Sierra	.83
Lake	.94	Siskiyou	.88
Lassen	.84	Solano	.97
Los Angeles	.97	Sonoma	.97
Madera	.98	Stanislaus	.99
Marin	.98	Sutter	.97
Mariposa	.96	Tehama	.92
Mendocino	.91	Tulare	.96
Merced	.99	Tuolumne	.99
Modoc	.87	Ventura	.97
Mono	.78	Yolo	.98
Monterey	.95	Yuba	.97
Napa	.98		
Orange	.95		

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$0.74	Elbert	$0.74
Alamasa	.75	El Paso	.74
Arapahoe	.74	Fremont	.70
Archuleta	.75	Garfield	.75
Baca	.75	Grand	.75
Bent	.75	Huerfano	.73
Boulder	.74	Jackson	.75
Chaffee	.75	Jefferson	.74
Cheyenne	.76	Kiowa	.75
Conejos	.75	Kit Carson	.76
Costilla	.75	La Plata	.75
Crowley	.74	Larimer	.74
Custer	.69	Las Animas	.74
Delta	.75	Lincoln	.74
Denver	.74	Logan	.74
Dolores	.75	Mesa	.75
Douglas	.74	Moffat	.75
Eagle	.75	Montezuma	.75

COLORADO—Continued

County	Rate per bushel	County	Rate per bushel
Montrose	$0.75	Rio Grande	$0.75
Morgan	.74	Routt	.75
Otero	.74	Sagauche	.75
Ouray	.75	San Miguel	.75
Phillips	.76	Sedgwick	.76
Pitkin	.75	Summit	.75
Prowers	.76	Washington	.74
Pueblo	.74	Weld	.74
Rio Blanco	.75	Yuma	.76

CONNECTICUT

All counties	$0.94

DELAWARE

All counties	$0.94

FLORIDA

All counties	$0.93

GEORGIA

All counties	$0.93

IDAHO

Ada	$0.85	Gem	$0.85
Adams	.85	Gooding	.85
Bennock	.85	Idaho	.85
Bear Lake	.85	Jefferson	.85
Benewah	.88	Jerome	.85
Bingham	.85	Kootenai	.88
Blaine	.85	Latah	.88
Boise	.85	Lemhi	.85
Bonner	.82	Lewis	.86
Bonneville	.85	Lincoln	.85
Boundary	.82	Madison	.85
Butte	.85	Minidoka	.85
Camas	.85	Nez Perce	.88
Canyon	.85	Oneida	.85
Caribou	.85	Owyhee	.85
Cassia	.85	Payette	.85
Clark	.85	Power	.85
Clearwater	.86	Shoshone	.79
Custer	.85	Teton	.85
Elmore	.85	Twin Falls	.85
Franklin	.85	Valley	.85
Fremont	.85	Washington	.85

ILLINOIS

Adams	$0.87	Jo Daviess	$0.88
Alexander	.89	Johnson	.86
Bond	.91	Kane	.93
Boone	.91	Kankakee	.94
Brown	.87	Kendall	.92
Bureau	.89	Knox	.88
Calhoun	.90	Lake	.95
Carroll	.89	La Salle	.91
Cass	.89	Lawrence	.88
Champaign	.90	Lee	.90
Christian	.89	Livingston	.90
Clark	.89	Logan	.89
Clay	.89	McDonough	.87
Clinton	.92	McHenry	.92
Coles	.89	McLean	.89
Cook	.95	Macon	.89
Crawford	.87	Macoupin	.92
Cumberland	.89	Madison	.92
De Kalb	.92	Marion	.91
De Witt	.89	Marshall	.89
Douglas	.91	Mason	.89
Du Page	.93	Massac	.89
Edgar	.89	Menard	.89
Edwards	.90	Mercer	.87
Effingham	.89	Monroe	.91
Fayette	.89	Montgomery	.90
Ford	.89	Morgan	.89
Franklin	.89	Moultrie	.90
Fulton	.89	Ogle	.90
Gallatin	.86	Peoria	.89
Greene	.91	Perry	.89
Grundy	.92	Piatt	.89
Hamilton	.89	Pike	.89
Hancock	.86	Pope	.85
Hardin	.83	Pulaski	.89
Henderson	.87	Putnam	.89
Henry	.88	Randolph	.89
Iroquois	.93	Richland	.88
Jackson	.89	Rock Island	.88
Jasper	.88	St. Clair	.92
Jefferson	.92	Saline	.88
Jersey	.92	Sangamon	.89

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Schuyler	$0.89	Warren	$0.88
Scott	.89	Washington	.90
Shelby	.90	Wayne	.92
Stark	.89	White	.87
Stephenson	.89	Whiteside	.89
Tazewell	.89	Will	.93
Union	.89	Williamson	.89
Vermilion	.92	Winnebago	.89
Wabash	.91	Woodford	.89

INDIANA

Adams	$0.86	Lawrence	$0.84
Allen	.86	Madison	.86
Bartholomew	.83	Marion	.85
Benton	.89	Marshall	.88
Blackford	.87	Martin	.83
Boone	.86	Miami	.88
Brown	.83	Monroe	.84
Carroll	.88	Montgomery	.87
Cass	.88	Morgan	.84
Clark	.81	Newton	.93
Clay	.88	Noble	.86
Clinton	.88	Ohio	.81
Crawford	.81	Orange	.81
Daviess	.84	Owen	.84
Dearborn	.81	Parke	.86
Decatur	.83	Perry	.78
De Kalb	.86	Pike	.83
Delaware	.86	Porter	.91
Dubois	.81	Posey	.88
Elkhart	.88	Pulaski	.80
Fayette	.82	Putnam	.85
Floyd	.81	Randolph	.86
Fountain	.86	Ripley	.81
Franklin	.83	Rush	.84
Fulton	.89	St. Joseph	.88
Gibson	.88	Scott	.81
Grant	.87	Shelby	.84
Greene	.84	Spencer	.78
Hamilton	.86	Starke	.89
Hancock	.85	Steuben	.86
Harrison	.81	Sullivan	.88
Hendricks	.86	Switzerland	.79
Henry	.86	Tippecanoe	.88
Howard	.88	Tipton	.87
Huntington	.86	Union	.84
Jackson	.83	Vanderburgh	.91
Jasper	.91	Vermillion	.92
Jay	.86	Vigo	.92
Jefferson	.81	Wabash	.88
Jennings	.82	Warren	.91
Johnson	.84	Warrick	.80
Knox	.87	Washington	.81
Kosciusko	.88	Wayne	.86
Lagrange	.87	Wells	.86
Lake	.94	White	.90
La Porte	.90	Whitley	.87

IOWA

Adair	$0.85	Dickinson	$0.82
Adams	.86	Dubuque	.86
Allamakee	.83	Emmet	.84
Appanoose	.85	Fayette	.84
Audubon	.87	Floyd	.83
Benton	.85	Franklin	.82
Black Hawk	.83	Fremont	.89
Boone	.84	Greene	.85
Bremer	.83	Grundy	.83
Buchanan	.84	Guthrie	.85
Buena Vista	.83	Hamilton	.83
Butler	.82	Hancock	.83
Calhoun	.85	Hardin	.82
Carroll	.87	Harrison	.89
Cass	.86	Henry	.85
Cedar	.86	Howard	.84
Cerro Gordo	.83	Humboldt	.83
Cherokee	.84	Ida	.85
Chickasaw	.83	Iowa	.84
Clarke	.84	Jackson	.87
Clay	.83	Jasper	.82
Clayton	.84	Jefferson	.84
Clinton	.87	Johnson	.86
Crawford	.87	Jones	.86
Dallas	.84	Keokuk	.83
Davis	.85	Kossuth	.83
Decatur	.82	Lee	.86
Delaware	.85	Linn	.85
Des Moines	.86	Louisa	.86

IOWA—Continued

Lucas	$0.84	Ringgold	$0.83
Lyon	.83	Sac	.85
Madison	.84	Scott	.87
Mahaska	.83	Shelby	.88
Marion	.82	Sioux	.85
Marshall	.83	Story	.84
Mills	.90	Tama	.83
Mitchell	.84	Taylor	.86
Monona	.88	Union	.85
Monroe	.84	Van Buren	.85
Montgomery	.88	Wapello	.84
Muscatine	.86	Warren	.84
O'Brien	.84	Washington	.85
Osceola	.83	Wayne	.83
Page	.88	Webster	.84
Palo Alto	.82	Winnebago	.84
Plymouth	.86	Winneshiek	.83
Pocahontas	.83	Woodbury	.86
Polk	.84	Worth	.84
Pottawattamie	.90	Wright	.82
Poweshiek	.83		

KANSAS

Allen	$0.87	Linn	$0.90
Anderson	.89	Logan	.79
Atchison	.90	Lyon	.87
Barber	.82	McPherson	.83
Barton	.82	Marion	.84
Bourbon	.88	Marshall	.87
Brown	.88	Meade	.79
Butler	.84	Miami	.90
Chase	.85	Mitchell	.83
Chautauqua	.85	Montgomery	.87
Cherokee	.87	Morris	.85
Cheyenne	.78	Morton	.76
Clark	.79	Nemaha	.87
Clay	.85	Neosho	.87
Cloud	.84	Ness	.81
Coffey	.87	Norton	.82
Comanche	.80	Osage	.88
Cowley	.84	Osborne	.83
Crawford	.87	Ottawa	.84
Decatur	.80	Pawnee	.82
Dickinson	.84	Phillips	.82
Doniphan	.88	Pottawatomie	.87
Douglas	.90	Pratt	.82
Edwards	.82	Rawlins	.79
Elk	.85	Reno	.83
Ellis	.82	Republic	.84
Ellsworth	.83	Rice	.83
Finney	.79	Riley	.87
Ford	.81	Rooks	.82
Franklin	.90	Rush	.82
Geary	.85	Russell	.82
Gove	.80	Saline	.83
Graham	.82	Scott	.79
Grant	.78	Sedgwick	.84
Gray	.79	Seward	.77
Greeley	.78	Shawnee	.88
Greenwood	.86	Sheridan	.80
Hamilton	.78	Sherman	.78
Harper	.83	Smith	.83
Harvey	.84	Stafford	.82
Haskell	.79	Stanton	.77
Hodgeman	.81	Stevens	.77
Jackson	.88	Sumner	.84
Jefferson	.90	Thomas	.79
Jewell	.83	Trego	.81
Johnson	.90	Wabaunsee	.87
Kearny	.78	Wallace	.78
Kingman	.83	Washington	.85
Kiowa	.82	Wichita	.78
Labette	.87	Wilson	.87
Lane	.80	Woodson	.87
Leavenworth	.90	Wyandotte	.90
Lincoln	.83		

KENTUCKY

All counties	$0.88

LOUISIANA

All counties	$0.81

MAINE

All counties	$0.94

MARYLAND

All counties	$0.94

MASSACHUSETTS

County	Rate per bushel
All counties	$0.94

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.74	Keweenaw	$0.76
Alger	.78	Lake	.80
Allegan	.85	Lapeer	.84
Alpena	.73	Leelanau	.75
Antrim	.75	Lenawee	.85
Arenac	.79	Livingston	.85
Baraga	.80	Luce	.75
Barry	.85	Mackinac	.75
Bay	.82	Macomb	.85
Benzie	.83	Manistee	.80
Berrien	.88	Marquette	.78
Branch	.86	Mason	.79
Calhoun	.88	Mecosta	.80
Cass	.88	Menominee	.82
Charlevoix	.74	Midland	.83
Cheboygan	.73	Missaukee	.79
Chippewa	.75	Monroe	.86
Clare	.83	Montcalm	.82
Clinton	.84	Montmorency	.73
Crawford	.75	Muskegon	.82
Delta	.80	Newaygo	.82
Dickinson	.81	Oakland	.84
Eaton	.85	Oceana	.80
Emmet	.74	Ogemaw	.81
Genesee	.84	Ontonagon	.78
Gladwin	.82	Osceola	.80
Gogebic	.82	Oscoda	.81
Grand Traverse	.78	Otsego	.74
		Ottawa	.85
Gratiot	.84	Presque Isle	.73
Hillsdale	.85	Roscommon	.75
Houghton	.76	Saginaw	.84
Huron	.82	St. Clair	.84
Ingham	.85	St. Joseph	.87
Ionia	.84	Sanilac	.82
Iosco	.75	Schoolcraft	.75
Iron	.79	Shiawassee	.84
Isabella	.82	Tuscola	.82
Jackson	.88	Van Buren	.86
Kalamazoo	.87	Washtenaw	.85
Kalkaska	.75	Wayne	.85
Kent	.84	Wexford	.80

MINNESOTA

Aitkin	$0.87	Lyon	$0.84
Anoka	.90	McLeod	.88
Becker	.82	Mahnomen	.81
Beltrami	.82	Marshall	.79
Benton	.87	Martin	.84
Big Stone	.83	Meeker	.88
Blue Earth	.86	Mille Lacs	.88
Brown	.86	Morrison	.85
Carlton	.88	Mower	.85
Carver	.89	Murray	.83
Cass	.85	Nicollet	.87
Chippewa	.84	Nobles	.82
Chisago	.88	Norman	.81
Clay	.82	Olmsted	.86
Clearwater	.82	Otter Tail	.84
Cottonwood	.84	Pennington	.80
Crow Wing	.85	Pine	.88
Dakota	.89	Pipestone	.82
Dodge	.86	East Polk	.81
Douglas	.85	West Polk	.80
Faribault	.84	Pope	.85
Fillmore	.83	Ramsey	.90
Freeborn	.86	Red Lake	.81
Goodhue	.87	Redwood	.85
Grant	.83	Renville	.86
Hennepin	.90	Rice	.88
Houston	.83	Rock	.82
Hubbard	.83	Roseau	.79
Isanti	.88	St. Louis	.86
Itasca	.86	Scott	.89
Jackson	.83	Sherburne	.88
Kanabec	.86	Sibley	.87
Kandiyohi	.87	Stearns	.87
Kittson	.78	Steele	.86
Koochiching	.79	Stevens	.84
Lac Qui Parle	.83	Swift	.85
Lake of the Woods	.80	Todd	.85
		Traverse	.82
Le Sueur	.87	Wabasha	.87
Lincoln	.83	Wadena	.85

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Waseca	$0.86	Winona	$0.86
Washington	.90	Wright	.88
Watonwan	.85	Yellow Medicine	.84
Wilkin	.82		

MISSISSIPPI

All counties	$0.90

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$0.86	Linn	$0.87
Andrew	.89	Livingston	.89
Atchison	.87	McDonald	.85
Audrain	.88	Macon	.86
Barry	.85	Madison	.90
Barton	.87	Maries	.89
Bates	.90	Marion	.88
Benton	.88	Mercer	.86
Bollinger	.91	Miller	.86
Boone	.88	Mississippi	.92
Buchanan	.90	Moniteau	.86
Butler	.92	Monroe	.88
Cladwell	.89	Montgomery	.90
Callaway	.88	Morgan	.86
Camden	.86	New Madrid	.93
Cape Girardeau	.91	Newton	.85
Carroll	.89	Nodaway	.87
Carter	.83	Oregon	.87
Cass	.90	Osage	.88
Cedar	.88	Ozark	.84
Charlton	.88	Pemiscot	.94
Christian	.85	Perry	.89
Clark	.87	Pettis	.88
Clay	.90	Phelps	.88
Clinton	.89	Pike	.89
Cole	.87	Platte	.90
Cooper	.87	Polk	.87
Crawford	.89	Pulaski	.86
Dade	.87	Putnam	.86
Dallas	.85	Ralls	.88
Daviess	.89	Randolph	.88
De Kalb	.89	Ray	.90
Dent	.87	Reynolds	.86
Douglas	.83	Ripley	.92
Dunklin	.93	St. Charles	.92
Franklin	.92	St. Clair	.89
Gasconade	.89	St. Francois	.90
Gentry	.88	Ste. Genevieve	.90
Greene	.85	St. Louis	.92
Grundy	.88	Saline	.89
Harrison	.87	Schuyler	.85
Henry	.90	Scotland	.87
Hickory	.87	Scott	.92
Holt	.88	Shannon	.83
Howard	.87	Shelby	.87
Howell	.85	Stoddard	.92
Iron	.90	Stone	.85
Jackson	.90	Sullivan	.86
Jasper	.87	Taney	.84
Jefferson	.92	Texas	.83
Johnson	.89	Vernon	.88
Knox	.86	Warren	.92
Laclede	.85	Washington	.90
Lafayette	.89	Wayne	.92
Lawrence	.85	Webster	.84
Lewis	.88	Worth	.87
Lincoln	.92	Wright	.83

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$0.73	Golden Valley	$0.70
Big Horn	.63	Granite	.77
Blaine	.63	Hill	.66
Broadwater	.76	Jefferson	.76
Carbon	.71	Judith Basin	.68
Carter	.67	Lake	.77
Cascade	.71	Lewis and Clark	.71
Chouteau	.68	Liberty	.67
Custer	.65	Lincoln	.77
Daniels	.63	McCone	.65
Dawson	.66	Madison	.78
Deer Lodge	.78	Meagher	.73
Fallon	.67	Mineral	.79
Fergus	.69	Missoula	.79
Flathead	.77	Musselshell	.69
Gallatin	.78	Park	.76
Garfield	.64	Petroleum	.66
Glacier	.70	Phillips	.60
		Pondera	.69
		Powder River	.63
		Powell	.78
		Prairie	.65
		Ravalli	.77
		Richland	.66
		Roosevelt	.66
		Rosebud	.66
		Sanders	.79
		Sheridan	.66
		Silver Bow	.78
		Stillwater	.71
		Sweet Grass	.73
		Teton	.70
		Toole	.68
		Treasure	.67
		Valley	.63
		Wheatland	.71
		Wibaux	.67
		Yellowstone	.71

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$0.83	Jefferson	$0.85
Antelope	.84	Johnson	.87
Arthur	.77	Kearney	.82
Banner	.72	Keith	.77
Blaine	.80	Keya Paha	.80
Boone	.85	Kimball	.74
Box Butte	.75	Knox	.83
Boyd	.82	Lancaster	.89
Brown	.80	Lincoln	.79
Buffalo	.83	Logan	.80
Burt	.88	Loup	.82
Butler	.88	McPherson	.79
Cass	.89	Madison	.85
Cedar	.84	Merrick	.85
Chase	.76	Morrill	.74
Cherry	.78	Nance	.86
Cheyenne	.74	Nemaha	.87
Clay	.84	Nuckolls	.84
Colfax	.88	Otoe	.88
Cuming	.88	Pawnee	.87
Custer	.81	Perkins	.77
Dakota	.86	Phelps	.82
Dawes	.73	Pierce	.85
Dawson	.82	Platte	.87
Deuel	.76	Polk	.86
Dixon	.85	Red Willow	.80
Dodge	.89	Richardson	.87
Douglas	.90	Rock	.80
Dundy	.76	Saline	.87
Fillmore	.85	Sarpy	.90
Franklin	.82	Saunders	.89
Frontier	.80	Scotts Bluff	.73
Furnas	.81	Seward	.88
Gage	.87	Sheridan	.75
Garden	.76	Sherman	.83
Garfield	.82	Sioux	.72
Gosper	.81	Stanton	.86
Grant	.76	Thayer	.85
Greeley	.84	Thomas	.79
Hall	.84	Thurston	.87
Hamilton	.85	Valley	.82
Harlan	.82	Washington	.89
Hayes	.77	Wayne	.84
Hitchcock	.78	Webster	.83
Holt	.83	Wheeler	.85
Hooker	.78	York	.86
Howard	.84		

NEVADA

All counties	$0.85

NEW HAMPSHIRE

All counties	$0.94

NEW JERSEY

All counties	$0.94

NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Bernalillo	$0.75	Mora	$0.75
Catron	.75	Otero	.76
Chaves	.82	Quay	.84
Colfax	.75	Rio Arriba	.75
Curry	.84	Roosevelt	.83
De Baca	.80	Sandoval	.75
Dona Ana	.75	San Juan	.75
Eddy	.80	San Miguel	.75
Grant	.75	Santa Fe	.75
Guadalupe	.78	Sierra	.75
Harding	.78	Socorro	.75
Hidalgo	.75	Taos	.75
Lea	.84	Torrance	.77
Lincoln	.76	Union	.84
Luna	.75	Valencia	.75
McKinley	.75		

NEW YORK

County	Rate per bushel
All counties	$0.94

NORTH CAROLINA

All counties	$0.94

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.71	McLean	$0.74
Barnes	.79	Mercer	.73
Benson	.76	Morton	.73
Billings	.71	Mountrail	.72
Bottineau	.72	Nelson	.77
Bowman	.70	Oliver	.73
Burke	.71	Pembina	.77
Burleigh	.75	Pierce	.75
Cass	.80	Ramsey	.76
Cavalier	.76	Ransom	.80
Dickey	.79	Renville	.72
Divide	.70	Richland	.81
Dunn	.71	Rolette	.74
Eddy	.77	Sargent	.80
Emmons	.74	Sheridan	.75
Foster	.78	Sioux	.73
Golden Valley	.68	Slope	.71
Grand Forks	.79	Stark	.72
Grant	.72	Steele	.79
Griggs	.79	Stutsman	.78
Hettinger	.72	Towner	.75
Kidder	.76	Traill	.79
La Moure	.78	Walsh	.77
Logan	.76	Ward	.72
McHenry	.74	Wells	.76
McIntosh	.76	Williams	.70
McKenzie	.68		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$0.84	Licking	$0.86
Allen	.86	Logan	.85
Ashland	.87	Lorain	.87
Ashtabula	.89	Lucas	.85
Athens	.86	Madison	.85
Auglaize	.86	Mahoning	.89
Belmont	.87	Marion	.86
Brown	.84	Medina	.87
Butler	.84	Meigs	.84
Carroll	.87	Mercer	.86
Champaign	.84	Miami	.85
Clark	.84	Monroe	.87
Clermont	.84	Montgomery	.84
Clinton	.84	Morgan	.87
Columbiana	.88	Morrow	.86
Coshocton	.87	Muskingum	.87
Crawford	.86	Noble	.87
Cuyahoga	.87	Ottawa	.86
Darke	.87	Paulding	.86
Defiance	.85	Perry	.86
Delaware	.86	Pickaway	.85
Erie	.86	Pike	.84
Fairfield	.86	Portage	.87
Fayette	.84	Preble	.84
Franklin	.86	Putnam	.86
Fulton	.85	Richland	.87
Gallia	.84	Ross	.85
Geauga	.89	Sandusky	.86
Greene	.84	Scioto	.84
Guernsey	.87	Seneca	.86
Hamilton	.84	Shelby	.86
Hancock	.86	Stark	.87
Hardin	.86	Summit	.87
Harrison	.87	Trumbull	.89
Henry	.85	Tuscarawas	.87
Highland	.84	Union	.86
Hocking	.86	Van Wert	.86
Holmes	.87	Vinton	.86
Huron	.86	Warren	.84
Jackson	.84	Washington	.87
Jefferson	.88	Wayne	.87
Knox	.86	Williams	.86
Lake	.88	Wood	.86
Lawrence	.84	Wyandot	.86

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	$0.82	Bryan	$0.82
Alfalfa	.82	Caddo	.82
Atoka	.82	Canadian	.82
Beaver	.79	Carter	.82
Beckham	.82	Cherokee	.83
Blaine	.82	Choctaw	.82

OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Cimarron	$0.76	McIntosh	$0.82
Cleveland	.82	Major	.81
Coal	.82	Marshall	.82
Comanche	.82	Mayes	.84
Cotton	.82	Murray	.82
Craig	.86	Muskogee	.82
Creek	.82	Noble	.82
Custer	.82	Nowata	.86
Delaware	.85	Okfuskee	.82
Dewey	.81	Oklahoma	.82
Ellis	.80	Okmulgee	.82
Garfield	.82	Osage	.83
Garvin	.82	Ottawa	.86
Grady	.82	Pawnee	.82
Grant	.82	Payne	.82
Greer	.82	Pittsburg	.82
Harmon	.82	Pontotoc	.82
Harper	.80	Pottawatomie	.82
Haskell	.82	Pushmataha	.82
Hughes	.82	Roger Mills	.81
Jackson	.82	Rogers	.85
Jefferson	.82	Seminole	.82
Johnston	.82	Sequoyah	.82
Kay	.82	Stephens	.82
Kingfisher	.82	Texas	.77
Kiowa	.82	Tillman	.82
Latimer	.82	Tulsa	.84
Le Flore	.82	Wagoner	.84
Lincoln	.82	Washington	.86
Logan	.82	Washita	.82
Love	.82	Woods	.81
McClain	.82	Woodward	.81
McCurtain	.82		

OREGON

Baker	$0.88	Lake	$0.87
Benton	.91	Lane	.88
Clackamas	.93	Lincoln	.86
Clatsop	.90	Linn	.91
Columbia	.92	Malheur	.84
Coos	.93	Marion	.93
Crook	.93	Morrow	.94
Curry	.81	Multnomah	.96
Deschutes	.93	Polk	.92
Douglas	.84	Sherman	.95
Gilliam	.95	Tillamook	.95
Grant	.93	Umatilla	.93
Harney	.81	Union	.89
Hood River	.95	Wallowa	.86
Jackson	.79	Wasco	.98
Jefferson	.95	Washington	.95
Josephine	.79	Wheeler	.93
Klamath	.87	Yamhill	.94

PENNSYLVANIA

All counties $0.94

RHODE ISLAND

All counties $0.94

SOUTH CAROLINA

All counties $0.94

SOUTH DAKOTA

Aurora	$0.80	Grant	$0.82
Beadle	.80	Gregory	.82
Bennett	.76	Haakon	.71
Bon Homme	.83	Hamlin	.82
Brookings	.82	Hand	.79
Brown	.80	Hanson	.82
Brule	.79	Harding	.71
Buffalo	.79	Hughes	.76
Butte	.69	Hutchinson	.82
Campbell	.75	Hyde	.77
Charles Mix	.81	Jackson	.72
Clark	.81	Jerauld	.80
Clay	.85	Jones	.74
Codington	.82	Kingsbury	.81
Corson	.73	Lake	.81
Custer	.74	Lawrence	.70
Davison	.81	Lincoln	.83
Day	.80	Lyman	.77
Deuel	.82	McCook	.82
Dewey	.73	McPherson	.77
Douglas	.81	Marshall	.80
Edmunds	.78	Meade	.69
Fall River	.72	Mellette	.81
Faulk	.78	Miner	.81

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Minnehaha	$0.83	Sully	$0.75
Moody	.82	Todd	.81
Pennington	.69	Tripp	.81
Perkins	.71	Turner	.83
Potter	.76	Union	.85
Roberts	.81	Walworth	.76
Sanborn	.80	Washabaugh	.72
Shannon	.75	Yankton	.84
Spink	.80	Ziebach	.71
Stanley	.76		

TENNESSEE

Shelby	$0.93
All other counties	.91

TEXAS

Anderson	$0.97	Garza	$0.86
Archer	.86	Gillespie	.92
Armstrong	.86	Goliad	.97
Atascosa	.93	Gonzales	.98
Austin	1.02	Gray	.86
Bailey	.86	Grayson	.90
Bandera	.93	Gregg	.93
Baylor	.86	Grimes	1.00
Bee	.96	Guadalupe	.96
Bell	.96	Hale	.86
Bexar	.95	Hall	.86
Blanco	.96	Hamilton	.92
Borden	.86	Hansford	.84
Bosque	.94	Hardeman	.86
Bowie	.90	Hardin	.99
Brazoria	1.02	Harris	1.02
Brazos	1.00	Harrison	.92
Brewster	.77	Hartley	.84
Briscoe	.86	Haskell	.86
Brown	.91	Hays	.97
Burleson	.99	Hemphill	.84
Burnet	.94	Henderson	.95
Callahan	.88	Hidalgo	.89
Cameron	.89	Hill	.95
Camp	.92	Hockley	.86
Carson	.86	Hood	.91
Cass	.91	Hopkins	.90
Castro	.86	Houston	.99
Chambers	.99	Howard	.86
Cherokee	.97	Hudspeth	.76
Childress	.86	Hunt	.91
Clay	.88	Hutchinson	.84
Cochran	.86	Irion	.80
Coke	.86	Jack	.89
Coleman	.89	Jackson	.99
Collin	.92	Jasper	.99
Collingsworth	.86	Jeff Davis	.76
Comal	.96	Jefferson	1.00
Comanche	.91	Jim Wells	.94
Concho	.89	Johnson	.93
Cooke	.90	Jones	.86
Coryell	.95	Karnes	.96
Cottle	.86	Kaufman	.92
Crane	.81	Kendall	.92
Crockett	.80	Kenedy	.92
Crosby	.86	Kent	.86
Dallam	.84	Kerr	.92
Dallas	.93	Kimble	.90
Dawson	.86	King	.86
Deaf Smith	.86	Kinney	.89
Delta	.90	Knox	.86
Denton	.91	Lamar	.89
De Witt	.98	Lamb	.86
Dickens	.86	Lampasas	.94
Donley	.86	Leon	.98
Eastland	.89	Liberty	1.02
Ector	.84	Limestone	.97
Edwards	.85	Lipscomb	.84
Ellis	.93	Live Oak	.95
El Paso	.76	Llano	.94
Erath	.90	Loving	.78
Falls	.97	Lubbock	.86
Fannin	.90	Lynn	.86
Fayette	.99	McCulloch	.90
Fisher	.86	McLennan	.96
Floyd	.86	Madison	1.00
Foard	.86	Marion	.92
Fort Bend	1.02	Martin	.85
Franklin	.92	Mason	.91
Freestone	.97	Maverick	.88
Gaines	.86	Medina	.93

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Menard	$0.89	Shelby	$0.96
Midland	.85	Sherman	.84
Milam	.98	Smith	.95
Mills	.93	Somervell	.92
Mitchell	.86	Starr	.88
Montague	.89	Stephens	.89
Montgomery	1.02	Sterling	.82
Moore	.84	Stonewall	.86
Morris	.92	Sutton	.80
Motley	.86	Swisher	.86
Nacogdoches	.97	Tarrant	.93
Navarro	.95	Taylor	.87
Newton	.99	Terrell	.80
Nolan	.86	Terry	.86
Ochiltree	.84	Throckmorton	.87
Oldham	.85	Titus	.92
Orange	.99	Tom Green	.86
Palo Pinto	.89	Travis	.97
Panola	.95	Trinity	1.00
Parker	.92	Tyler	.99
Parmer	.85	Upshur	.93
Pecos	.77	Upton	.78
Polk	1.00	Uvalde	.91
Potter	.86	Val Verde	.86
Presidio	.76	Van Zandt	.93
Rains	.93	Victoria	.99
Randall	.86	Walker	1.01
Reagan	.80	Waller	1.02
Red River	.88	Ward	.81
Reeves	.77	Washington	1.00
Roberts	.84	Wharton	1.01
Robertson	.98	Wheeler	.85
Rockwall	.91	Wichita	.87
Runnels	.88	Wilbarger	.86
Rusk	.94	Willacy	.89
Sabine	.96	Williamson	.97
San Augustine	.96	Wilson	.95
San Jacinto	1.01	Winkler	.84
San Saba	.91	Wise	.91
Schleicher	.81	Wood	.93
Scurry	.86	Yoakum	.86
Shackelford	.87	Young	.89

UTAH

Beaver	$0.80	Piute	$0.80
Box Elder	.85	Rich	.85
Cache	.85	Salt Lake	.85
Carbon	.80	San Juan	.80
Daggett	.80	Sanpete	.80
Davis	.85	Sevier	.80
Duchesne	.80	Summit	.80
Emery	.80	Tooele	.85
Garfield	.80	Uintah	.80
Grand	.80	Utah	.80
Iron	.80	Wasatch	.80
Juab	.80	Washington	.80
Kane	.80	Wayne	.80
Millard	.80	Weber	.85
Morgan	.85		

VERMONT

All counties $0.94

VIRGINIA

All counties $0.94

WASHINGTON

Adams	$0.92	Lewis	$0.90
Asotin	.88	Lincoln	.90
Benton	.94	Mason	.90
Chelan	.92	Okanogan	.91
Clallam	.83	Pacific	.90
Clark	.96	Pend Oreille	.78
Columbia	.92	Pierce	.95
Cowlitz	.94	San Juan	.92
Douglas	.91	Skagit	.92
Ferry	.74	Skamania	.97
Franklin	.93	Snohomish	.93
Garfield	.90	Spokane	.88
Grant	.92	Stevens	.85
Grays Harbor	.90	Thurston	.91
Island	.93	Wahkiakum	.94
Jefferson	.85	Walla Walla	.93
King	.95	Whatcom	.91
Kitsap	.88	Whitman	.89
Kittitas	.97	Yakima	.96
Klickitat	.96		

WEST VIRGINIA

County	Rate per bushel
All counties	$0.91

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.85	Marathon	$0.83
Ashland	.84	Marinette	.82
Barron	.85	Marquette	.85
Bayfield	.85	Menominee	.85
Brown	.86	Milwaukee	.93
Buffalo	.85	Monroe	.85
Burnett	.87	Oconto	.84
Calumet	.86	Oneida	.81
Chippewa	.84	Outagamie	.86
Clark	.82	Ozaukee	.88
Columbia	.86	Pepin	.86
Crawford	.84	Pierce	.88
Dane	.88	Polk	.88
Dodge	.87	Portage	.85
Door	.81	Price	.82
Douglas	.88	Racine	.93
Dunn	.86	Richland	.85
Eau Claire	.85	Rock	.89
Florence	.81	Rusk	.84
Fond Du Lac	.87	St. Croix	.88
Forest	.82	Sauk	.86
Grant	.85	Sawyer	.85
Green	.88	Shawano	.85
Green Lake	.86	Sheboygan	.88
Iowa	.85	Taylor	.82
Iron	.82	Trempealeau	.84
Jackson	.84	Vernon	.84
Jefferson	.89	Vilas	.79
Juneau	.86	Walworth	.89
Kenosha	.93	Washburn	.86
Kewaunee	.83	Washington	.88
La Crosse	.84	Waukesha	.89
Lafayette	.86	Waupaca	.85
Langlade	.83	Washara	.85
Lincoln	.82	Winnebago	.86
Manitowoc	.86	Wood	.84

WYOMING

Albany	$0.80	Natrona	$0.80
Big Horn	.80	Niobrara	.69
Campbell	.65	Park	.80
Carbon	.80	Platte	.72
Converse	.66	Sheridan	.63
Crook	.67	Sublette	.80
Fremont	.80	Sweetwater	.80
Goshen	.72	Teton	.80
Hot Springs	.80	Uinta	.80
Johnson	.63	Washakie	.80
Laramie	.74	Weston	.68
Lincoln	.80		

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 13, 1964.

R. P. BEACH,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-8383; Filed, Aug. 18, 1964; 8:49 a.m.]

[C.C.C. Grain Price Support Regs., 1964-Crop Grain Sorghum Supp., Amendment 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1964-Crop Grain Sorghum Loan and Purchase Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation (29 F.R. 7591) which contain regulations with respect to price support loan and purchase operations for the 1964-crop of grain sorghum are hereby amended to incorporate the basic support rates for designated terminal markets and for counties.

Section 1421.2531 is amended by adding paragraphs (e) and (f) as follows:

§ 1421.2531 Support rates.

* * * * *

(e) *Basic support rates for terminal markets.*

Terminal market:	Rate per hundredweight
Sioux City, Iowa	$1.99
Omaha, Nebr	2.03
Council Bluffs, Iowa	2.03
Atchison, Kans	2.13
Kansas City, Kans	2.13
Kansas City, Mo	2.13
St. Joseph, Mo	2.13
Cairo, Ill	2.19
East St. Louis, Ill	2.19
St. Louis, Mo	2.19
Memphis, Tenn	2.24
Beaumont, Tex	2.29
Corpus Christi, Tex	2.29
Galveston, Tex	2.29
Houston, Tex	2.29
Port Arthur, Tex	2.29
Baton Rouge, La	2.29
New Orleans, La	2.29
Los Angeles, Calif	2.46
Long Beach, Calif	2.46
Oakland, Calif	2.46
San Francisco, Calif	2.46
Stockton, Calif	2.46
Wilmington, Calif	2.46
Astoria, Oreg	2.44
Portland, Oreg	2.44
Kalama, Wash	2.44
Longview, Wash	2.44
Seattle, Wash	2.44
Tacoma, Wash	2.44
Vancouver, Wash	2.44

(f) *Basic support rates for counties.*

ALABAMA

County	Rate per hundredweight
All counties	$1.84

ARIZONA

County	Rate per hundredweight	County	Rate per hundredweight
Apache	$1.60	Mohave	$1.59
Cochise	1.97	Navajo	1.60
Coconino	1.60	Pima	2.05
Gila	1.60	Pinal	2.10
Graham	1.85	Santa Cruz	2.00
Greenlee	1.60	Yavapai	1.54
Maricopa	2.10	Yuma	2.13

ARKANSAS

Arkansas	$1.96	Faulkner	$1.94
Ashley	1.91	Franklin	1.75
Baxter	1.78	Fulton	1.85
Benton	1.71	Garland	1.79
Boone	1.76	Grant	1.81
Bradley	1.81	Greene	1.97
Calhoun	1.80	Hempstead	1.76
Carroll	1.73	Hot Spring	1.81
Chicot	1.93	Howard	1.75
Clark	1.79	Independence	1.88
Clay	1.97	Izard	1.81
Cleburne	1.97	Jackson	1.97
Cleveland	1.84	Jefferson	1.94
Columbia	1.76	Johnson	1.76
Conway	1.92	Lafayette	1.76
Craighead	1.97	Lawrence	1.97
Crawford	1.73	Lee	1.97
Crittenden	1.97	Lincoln	1.94
Cross	1.97	Little River	1.75
Dallas	1.81	Logan	1.75
Desha	1.96	Lonoke	1.97
Drew	1.92	Madison	1.71

ARKANSAS—Continued

Marion	$1.76	Randolph	$1.97
Miller	1.75	St. Francis	1.97
Mississippi	1.97	Saline	1.84
Monroe	1.97	Scott	1.71
Montgomery	1.75	Searcy	1.76
Nevada	1.76	Sebastian	1.73
Newton	1.76	Sevier	1.72
Ouachita	1.78	Sharp	1.85
Perry	1.79	Stone	1.81
Phillips	1.97	Union	1.76
Pike	1.76	Van Buren	1.85
Poinsett	1.97	Washington	1.71
Polk	1.71	White	1.97
Pope	1.78	Woodruff	1.97
Prairie	1.97	Yell	1.78
Pulaski	1.95		

CALIFORNIA

Alameda	$2.24	Sacramento	$2.23
Amador	2.24	San Benito	2.20
Butte	2.19	San Bernardino	2.20
Calaveras	2.24	San Diego	2.14
Colusa	2.21	San Francisco	2.27
Contra Costa	2.24	San Joaquin	2.27
El Dorado	2.18	San Luis Obispo	2.14
Fresno	2.20	San Mateo	2.24
Glenn	2.20	Santa Barbara	2.11
Imperial	2.16	Santa Clara	2.23
Inyo	1.89	Santa Cruz	2.18
Kern	2.18	Shasta	2.02
Kings	2.21	Sierra	1.91
Lake	2.15	Siskiyou	2.02
Lassen	1.93	Solano	2.22
Los Angeles	2.21	Sonoma	2.21
Madera	2.23	Stanislaus	2.25
Marin	2.24	Sutter	2.20
Merced	2.24	Tehama	2.11
Modoc	2.01	Tulare	2.19
Mono	1.81	Tuolumne	2.25
Monterey	2.17	Ventura	2.21
Napa	2.22	Yolo	2.23
Orange	2.17	Yuba	2.21
Placer	2.21		
Plumas	2.05		
Riverside	2.16		

COLORADO

County	Rate per hundredweight
Baca	$1.65
All other counties	1.60

FLORIDA

County	Rate per hundredweight
All counties	$1.84

GEORGIA

County	Rate per hundredweight
All counties	$1.89

IDAHO

County	Rate per hundredweight
All counties	$1.59

ILLINOIS

County	Rate per hundredweight
All counties	$1.71

INDIANA

County	Rate per hundredweight
All counties	$1.74

IOWA

Adair	$1.78	Greene	$1.75
Adams	1.80	Grundy	1.66
Appanoose	1.80	Guthrie	1.77
Audubon	1.79	Hamilton	1.71
Boone	1.74	Hancock	1.68
Buena Vista	1.74	Hardin	1.68
Butler	1.65	Harrison	1.80
Calhoun	1.75	Henry	1.72
Carroll	1.79	Humboldt	1.71
Cass	1.78	Ida	1.76
Cerro Gordo	1.67	Jasper	1.73
Cherokee	1.76	Jefferson	1.74
Clarke	1.79	Keokuk	1.73
Clay	1.74	Kossuth	1.68
Crawford	1.80	Lee	1.74
Dallas	1.74	Lucas	1.79
Davis	1.77	Lyon	1.76
Decatur	1.81	Madison	1.76
Des Moines	1.71	Mahaska	1.74
Dickinson	1.72	Marion	1.76
Emmet	1.69	Marshall	1.71
Franklin	1.68	Mills	1.80
Fremont	1.80	Monona	1.80

IOWA—Continued

County	Rate per hundred-weight	County	Rate per hundred-weight
Monroe	$1.77	Tama	$1.66
Montgomery	1.80	Taylor	1.84
O'Brien	1.76	Union	1.82
Osceola	1.76	Van Buren	1.74
Page	1.82	Wapello	1.76
Palo Alto	1.71	Warren	1.77
Plymouth	1.76	Washington	1.71
Pocahontas	1.72	Wayne	1.82
Polk	1.75	Webster	1.73
Pottawattamie	1.80	Winnebago	1.66
Poweshiek	1.65	Woodbury	1.76
Ringgold	1.82	Worth	1.65
Sac	1.76	Wright	1.70
Shelby	1.80	All other counties	1.64
Sioux	1.76		
Story	1.73		

KANSAS

Allen	$1.80	Lincoln	$1.67
Anderson	1.81	Linn	1.84
Atchison	1.85	Lyon	1.75
Barber	1.66	McPherson	1.68
Barton	1.66	Marion	1.69
Bourbon	1.81	Marshall	1.75
Brown	1.79	Meade	1.64
Butler	1.69	Miami	1.82
Chase	1.72	Mitchell	1.68
Chautauqua	1.72	Montgomery	1.75
Cherokee	1.78	Morris	1.72
Clark	1.63	Morton	1.69
Clay	1.72	Nemaha	1.76
Cloud	1.70	Neosho	1.77
Coffey	1.77	Ness	1.64
Comanche	1.65	Norton	1.65
Cowley	1.69	Osage	1.78
Crawford	1.78	Osborne	1.67
Decatur	1.63	Ottawa	1.69
Dickinson	1.70	Pawnee	1.65
Doniphan	1.80	Phillips	1.66
Douglas	1.83	Pottawatomie	1.76
Edwards	1.65	Pratt	1.66
Elk	1.72	Reno	1.67
Ellis	1.65	Republic	1.70
Ellsworth	1.67	Rice	1.67
Finney	1.62	Riley	1.75
Ford	1.64	Rooks	1.65
Franklin	1.82	Rush	1.65
Geary	1.72	Russell	1.66
Gove	1.62	Saline	1.68
Graham	1.64	Sedgwick	1.69
Grant	1.66	Seward	1.69
Gray	1.63	Shawnee	1.78
Greenwood	1.73	Sheridan	1.62
Harper	1.67	Smith	1.67
Harvey	1.69	Stafford	1.66
Haskell	1.65	Stanton	1.66
Hodgeman	1.64	Stevens	1.69
Jackson	1.79	Sumner	1.69
Jefferson	1.82	Trego	1.64
Jewell	1.68	Wabaunsee	1.76
Johnson	1.84	Washington	1.72
Kingman	1.68	Wilson	1.75
Kiowa	1.65	Woodson	1.79
Labette	1.76	Wyandotte	1.86
Lane	1.62	All other counties	1.60
Leavenworth	1.86		

KENTUCKY

All counties $1.84

LOUISIANA

All counties $1.84

MICHIGAN

All counties $1.69

MINNESOTA

All counties $1.64

MISSISSIPPI

All counties $1.84

MISSOURI

Adair	$1.79	Barton	$1.76
Andrew	1.90	Bates	1.84
Atchison	1.85	Benton	1.86
Audrain	1.80	Bollinger	1.92
Barry	1.72	Boone	1.81

MISSOURI—Continued

County	Rate per hundred-weight	County	Rate per hundred-weight
Buchanan	$1.91	Maries	$1.75
Butler	1.96	Marion	1.78
Caldwell	1.91	Mercer	1.85
Callaway	1.78	Miller	1.78
Camden	1.70	Mississippi	1.95
Cape Girardeau	1.93	Moniteau	1.81
Carroll	1.91	Monroe	1.81
Carter	1.76	Montgomery	1.77
Cass	1.88	Morgan	1.83
Cedar	1.79	New Madrid	1.96
Chariton	1.88	Newton	1.72
Christian	1.75	Nodaway	1.87
Clark	1.78	Oregon	1.84
Clay	1.91	Osage	1.76
Clinton	1.91	Ozark	1.78
Cole	1.78	Pemiscot	1.97
Cooper	1.84	Perry	1.88
Crawford	1.76	Pettis	1.86
Dade	1.75	Phelps	1.74
Dallas	1.71	Pike	1.76
Daviess	1.88	Platte	1.91
De Kalb	1.90	Polk	1.75
Dent	1.72	Pulaski	1.71
Douglas	1.76	Putnam	1.83
Dunklin	1.97	Ralls	1.79
Franklin	1.79	Randolph	1.85
Gasconade	1.76	Ray	1.91
Gentry	1.86	Reynolds	1.72
Greene	1.75	Ripley	1.96
Grundy	1.87	St. Charles	1.79
Harrison	1.84	St. Clair	1.82
Henry	1.85	St. Francois	1.90
Hickory	1.76	St. Louis	1.81
Holt	1.87	Ste. Genevieve	1.88
Howard	1.85	Saline	1.89
Howell	1.81	Schuyler	1.79
Iron	1.90	Scotland	1.77
Jackson	1.91	Scott	1.94
Jasper	1.77	Shannon	1.76
Jefferson	1.87	Shelby	1.82
Johnson	1.88	Stoddard	1.95
Knox	1.78	Stone	1.75
Laclede	1.70	Sullivan	1.85
Lafayette	1.91	Taney	1.75
Lawrence	1.72	Texas	1.76
Lewis	1.78	Vernon	1.84
Lincoln	1.75	Warren	1.78
Linn	1.87	Washington	1.88
Livingston	1.89	Wayne	1.94
McDonald	1.78	Webster	1.73
Macon	1.84	Worth	1.86
Madison	1.90	Wright	1.76

NEBRASKA

Adams	$1.68	Kearney	$1.66
Antelope	1.72	Knox	1.74
Boone	1.74	Lancaster	1.77
Boyd	1.68	Madison	1.75
Buffalo	1.63	Merrick	1.71
Burt	1.80	Nance	1.75
Butler	1.79	Nemaha	1.77
Cass	1.79	Nuckolls	1.69
Cedar	1.76	Otoe	1.77
Clay	1.72	Pawnee	1.76
Colfax	1.80	Phelps	1.65
Cuming	1.80	Pierce	1.75
Dakota	1.76	Platte	1.78
Dawson	1.61	Polk	1.75
Dixon	1.76	Red Willow	1.61
Dodge	1.80	Richardson	1.77
Douglas	1.80	Saline	1.76
Fillmore	1.73	Sarpy	1.80
Franklin	1.65	Saunders	1.80
Frontier	1.60	Seward	1.78
Furnas	1.63	Sherman	1.61
Gage	1.77	Stanton	1.77
Garfield	1.60	Thayer	1.71
Gosper	1.63	Thurston	1.78
Greeley	1.68	Valley	1.60
Hall	1.64	Washington	1.80
Hamilton	1.69	Wayne	1.76
Harlan	1.65	Webster	1.67
Holt	1.65	Wheeler	1.73
Howard	1.65	York	1.74
Jefferson	1.73	All other counties	1.59
Johnson	1.77		

NEVADA

County	Rate per hundred-weight
All counties	$1.69

NEW MEXICO

Eidalgo	$1.76
Luna	1.76
All other counties	1.75

NORTH CAROLINA

All counties $1.89

NORTH DAKOTA

All counties $1.59

OHIO

All counties $1.74

OKLAHOMA

County	Rate per hundred-weight	County	Rate per hundred-weight
Adair	$1.66	Major	$1.72
Alfalfa	1.72	Noble	1.72
Beaver	1.71	Osage	1.68
Bryan	1.75	Ottawa	1.73
Cimarron	1.71	Pawnee	1.73
Delaware	1.72	Pushmataha	1.68
Dewey	1.72	Roger Mills	1.73
Ellis	1.71	Rogers	1.71
Grant	1.69	Sequoyah	1.66
Harper	1.70	Texas	1.72
Haskell	1.66	Tulsa	1.71
Kay	1.69	Washington	1.73
Latimer	1.66	Woods	1.71
Le Flore	1.66	Woodward	1.71
Love	1.76	All other counties	1.74
McCurtain	1.66		

OREGON

All counties $1.74

PENNSYLVANIA

All counties $1.89

SOUTH CAROLINA

All counties $1.89

SOUTH DAKOTA

Aurora	$1.68	Jerauld	$1.66
Beadle	1.63	Kingsbury	1.66
Bon Homme	1.74	Lake	1.70
Brookings	1.69	Lincoln	1.76
Brule	1.65	Lyman	1.60
Buffalo	1.65	McCook	1.72
Charles Mix	1.71	Miner	1.69
Clark	1.63	Minnehaha	1.74
Clay	1.76	Moody	1.71
Codington	1.63	Sanborn	1.67
Davison	1.69	Spink	1.61
Deuel	1.66	Tripp	1.61
Douglas	1.71	Turner	1.74
Gregory	1.64	Union	1.76
Hamlin	1.65	Yankton	1.76
Hand	1.61	All other counties	1.59
Hanson	1.70		
Hutchinson	1.72		

TENNESSEE

All counties $1.84

TEXAS

Anderson	$1.98	Caldwell	$2.01
Angelina	2.02	Calhoun	2.05
Aransas	2.11	Callahan	1.79
Atascosa	2.03	Cameron	1.97
Austin	2.08	Camp	1.87
Bandera	2.00	Cass	1.85
Bastrop	2.00	Chambers	2.02
Baylor	1.74	Cherokee	1.97
Bee	2.11	Clay	1.79
Bell	1.97	Coleman	1.81
Bexar	2.02	Collin	1.87
Blanco	1.96	Colorado	2.05
Bosque	1.91	Comal	2.01
Bowie	1.83	Comanche	1.85
Brazoria	2.08	Concho	1.81
Brazos	2.03	Cooke	1.82
Brooks	2.03	Coryell	1.93
Brown	1.85	Dallas	1.89
Burleson	2.03	Delta	1.82
Burnet	1.93	Denton	1.85

TEXAS—Continued

County	Rate per hundredweight	County	Rate per hundredweight
DeWitt	$2.03	Marion	$1.87
Dickens	1.74	Mason	1.85
Dimmit	1.91	Matagorda	2.04
Duval	2.06	Maverick	1.90
Eastland	1.82	Medina	2.00
Edwards	1.79	Menard	1.81
Ellis	1.90	Milam	2.00
Erath	1.84	Mills	1.89
Falls	1.99	Montague	1.81
Fannin	1.83	Montgomery	2.08
Fayette	2.03	Morris	1.87
Fisher	1.74	Nacogdoches	1.98
Foard	1.74	Navarro	1.94
Fort Bend	2.80	Newton	2.01
Franklin	1.87	Nueces	2.12
Freestone	1.97	Orange	2.03
Frio	1.97	Palo Pinto	1.82
Galveston	2.08	Panola	1.93
Gillespie	1.99	Parker	1.87
Goliad	2.07	Polk	2.04
Gonzales	2.00	Presidio	1.73
Grayson	1.83	Rains	1.89
Gregg	1.90	Real	1.97
Grimes	2.05	Red River	1.79
Guadalupe	2.01	Refugio	2.11
Hamilton	1.87	Robertson	1.99
Hardeman	1.74	Rockwall	1.85
Hardin	2.03	Runnels	1.79
Harris	2.08	Rusk	1.92
Harrison	1.88	Sabine	1.96
Haskell	1.74	San Augustine	1.96
Hays	1.98	San Jacinto	2.07
Henderson	1.93	San Patricio	2.12
Hidalgo	1.97	San Saba	1.85
Hill	1.93	Shackelford	1.77
Hood	1.85	Shelby	1.96
Hopkins	1.83	Smith	1.93
Houston	2.02	Somervell	1.87
Hunt	1.85	Starr	1.95
Jack	1.81	Stephens	1.81
Jackson	2.03	Stonewall	1.74
Jasper	2.02	Tarrant	1.89
Jefferson	2.04	Taylor	1.77
Jim Hogg	2.03	Throckmorton	1.78
Jim Wells	2.11	Titus	1.87
Johnson	1.89	Travis	1.99
Karnes	2.06	Trinity	2.04
Kaufman	1.88	Tyler	2.01
Kendall	2.00	Upshur	1.89
Kenedy	2.07	Uvalde	1.97
Kent	1.74	Val Verde	1.87
Kerr	1.99	Van Zandt	1.89
Kimble	1.83	Victoria	2.05
King	1.74	Walker	2.06
Kinney	1.91	Waller	2.08
Kleberg	2.10	Washington	2.05
Knox	1.74	Webb	1.99
Lamar	1.81	Wharton	2.06
Lampasas	1.91	Wichita	1.76
La Salle	1.96	Wilbarger	1.74
Lavaca	2.02	Willacy	1.97
Lee	2.02	Williamson	1.98
Leon	2.00	Wilson	2.02
Liberty	2.08	Wise	1.85
Limestone	1.99	Wood	1.89
Live Oak	2.08	Young	1.81
Llano	1.91	Zapata	1.95
McCulloch	1.83	Zavala	1.91
McLennan	1.96	All other counties	1.75
McMullen	2.04		
Madison	2.03		

UTAH

All counties $1.59

VIRGINIA

All counties $1.89

WASHINGTON

All counties $1.74

WISCONSIN

All counties $1.64

WYOMING

All counties $1.59

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 13, 1964.

R. P. BEACH,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-8390; Filed, Aug. 18, 1964; 8:50 a.m.]

[C.C.C. Grain Price Support Regs., 1964-Crop Rice Supp., Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1964-Crop Rice Loan and Purchase Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation, published in 29 F.R. 5833 and containing specific requirements of the 1964-crop rice price support program are hereby amended as follows:

1. Paragraph (q) is added to § 1421.2722 to read as follows:

§ 1421.2722 Cooperative marketing associations.

* * * * *

(q) *Non-Discrimination.* A cooperative marketing association receiving price support is subject to the provisions of Title VI of the Civil Rights Act of 1964, and of any regulations issued thereunder. Accordingly, the association shall not, on the grounds of race, color or national origin, deny any producer membership in the association or subject any producer to discrimination in receiving benefits, privileges and rights in the association. The United States shall have the right to enforce compliance therewith by suit or any other action authorized by law.

2. Section 1421.2723 is amended to delete any reference to commingled storage in paragraph (b) and to add paragraph (c) so that paragraphs (b) and (c) will read as follows:

§ 1421.2723 Eligible rice.

* * * * *

(b) *Warehouse storage loans.* In addition to the requirements of paragraph (a) of this section, rice must both grade U.S. No. 5 or better (rice of special grades shall not be eligible) and contain not more than 14 percent moisture at the time it is placed under a warehouse storage loan.

(c) *Parboiled rough rice.* Parboiled rough rice shall not be eligible for loan or purchase.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 62 Stat. 1051 as amended, 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 13, 1964.

R. P. BEACH,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-8391; Filed, Aug. 18, 1964; 8:50 a.m.]

[1962 C.C.C. Grain Price Support Reseal Loan Regs., Amdt. 3]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart 1962-Crop Reseal Loan Program for Corn

COMMINGLING

The regulations issued by Commodity Credit Corporation published in 28 F.R. 7891 and containing the specific requirements for the 1962-crop reseal loan program for corn for the 1963-64 storage period, are hereby amended as follows:

Section 1421.3305(b)(1) is amended to read as follows:

§ 1421.3305 Commingling.

* * * * *

(b) *Special conditions.* * * *

(1) Partial deliveries of commingled commodities shall not be permitted except that if the commingled commodity is of the same crop year and stored in more than one bin, the entire content of a bin may be delivered, subject to the provisions of the regulations in this subpart with respect to deliveries prior to the maturity date.

* * * * *

Effective date upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 13, 1964.

R. P. BEACH,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-8388; Filed, Aug. 18, 1964; 8:49 a.m.]

[1960 C.C.C. Grain Price Support Reseal Loan Regs., Ext. 1, Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1960-Crop Reseal Loan Program for Corn, Extension 1

COMMINGLING

The regulations issued by Commodity Credit Corporation published in 28 F.R. 7821 and containing the specific requirements for the 1960-crop reseal loan program for corn for the 1963-64 storage period, are hereby amended as follows:

Section 1421.3346(b)(1) is amended to read as follows:

§ 1421.3346 Commingling.

* * * * *

(b) *Special conditions.* * * * (1) Partial deliveries of commingled commodities shall not be permitted except that if the commingled commodity is of the same crop year and stored in more than one bin, the entire content of a bin may

be delivered subject to the provisions of the regulations of this subpart with respect to deliveries prior to the maturity date.

* * * * *

Effective date upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 13, 1964.

R. P. BEACH,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-8384; Filed, Aug. 18, 1964; 8:49 a.m.]

[1963 C.C.C. Grain Price Support Reseal Loan Reg., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1963-Crop Reseal Loan Programs for Corn, Barley, Grain Sorghum, Oats and Wheat

COMMINGLING

The regulations issued by Commodity Credit Corporation published in 29 F.R. 6678 and containing the specific requirements for the 1963-crop reseal loan program for corn, barley, grain sorghum, oats and wheat for the 1964–65 storage period, are hereby amended as follows:

Section 1421.3405(b)(1) is amended to read as follows:

§ 1421.3405 **Commingling.**

* * * * *

(b) *Special conditions.* * * *

(1) Partial deliveries of commingled commodities shall not be permitted except that if the commingled commodity is of the same crop year and stored in more than one bin, the entire content of a bin may be delivered subject to the provisions of the regulations in this subpart with respect to deliveries prior to the maturity date.

* * * * *

Effective date upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 13, 1964.

R. P. BEACH,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-8389; Filed, Aug. 18, 1964; 8:49 a.m.]

[1962 C.C.C. Grain Price Support Reseal Loan Regs., Ext 1, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1962-Crop Reseal Loan Program for Corn, Barley, Grain Sorghum, Oats and Wheat

COMMINGLING

The regulations issued by Commodity Credit Corporation published in 29 F.R. 7763 and containing the specific requirements for the 1962-crop reseal loan program for corn barley, grain sorgham, oats and wheat for the 1964–65 storage period, are hereby amended as follows:

Section 1421.3419(b)(1) is amended to read as follows:

§ 1421.3419 **Commingling.**

* * * * *

(b) *Special conditions.* * * *

(1) Partial deliveries of commingled commodities shall not be permitted except that if the commingled commodity is of the same crop year and stored in more than one bin, the entire content of a bin may be delivered subject to the provisions of the regulations in this subpart with respect to deliveries prior to the maturity date.

* * * * *

Effective date upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 13,1964.

R. P. BEACH,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-8387; Filed, Aug. 18, 1964; 8:49 a.m.]

[1961 C.C.C. Grain Price Support Reseal Loan Reg., Ext. 1 and 2, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1961-Crop Reseal Loan Program for Corn and Wheat, Extension 1 and 1961-Crop Grain Sorghum, Extension 2

COMMINGLING

The regulations issued by Commodity Credit Corporation published in 29 F.R. 7804 and containing the specific requirements for the 1961-crop reseal loan program for corn, wheat and grain sorghum for the 1964–65 storage period, are hereby amended as follows:

Section 1421.3434(b)(1) is amended to read as follows:

§ 1421.3434 **Commingling.**

* * * * *

(b) *Special conditions.* * * *

(1) Partial deliveries of commingled commodities shall not be permitted except that if the commingled commodity is of the same crop year and stored in more than one bin, the entire content of a bin may be delivered subject to the provisions of the regulations in this subpart with respect to deliveries prior to the maturity date.

* * * * *

Effective date upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on August 13, 1964.

R. P. BEACH,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-8386; Filed, Aug. 18, 1964; 8:49 a.m.]

[1960 C.C.C. Grain Price Support Reseal Loan Regs., Ext. 2, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1960-Crop Reseal Loan Program for Corn and Wheat, Extension 2

COMMINGLING

The regulations issued by Commodity Credit Corporation published in 29 F.R. 7806 and containing the specific requirements for the 1960-crop reseal loan program for corn and wheat for the 1964–65 storage period, are hereby amended as follows:

Section 1421.3454(b)(1) is amended to read as follows:

§ 1421.3454 **Commingling.**

* * * * *

(b) *Special conditions.* * * * (1) Partial deliveries of commingled commodities shall not be permitted except that if the commingled commodity is of the same crop year and stored in more than one bin, the entire content of a bin may be delivered subject to the provisions of the regulations in this subpart with respect to deliveries prior to the maturity date.

* * * * *

Effective date upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 13, 1964.

R. P. BEACH,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-8385; Filed, Aug. 18, 1964; 8:49 a.m.]

PART 1434—HONEY

Subpart—Honey Price Support Regulations

COOPERATIVE MARKETING ASSOCIATIONS

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 5307 and containing requirements of the honey price support program are hereby amended as follows:

Paragraph (q) is added to § 1434.56 to include a non-discrimination provision applicable to cooperative marketing associations and reads as follows:

§ 1434.56 **Cooperative marketing associations.**

* * * * *

(q) *Non-discrimination.* A cooperative marketing association receiving price support is subject to the provisions of Title VI of the Civil Rights Act of 1964, and of any regulations issued thereunder. Accordingly, the association shall not, on the grounds of race, color or national origin, deny any producer membership in the association or subject any producer to discrimination in receiving benefits, privileges and rights in the association. The United States shall have the right to enforce compli-

ance therewith by suit or any other action authorized by law.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421)

Effective date upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on August 13, 1964.

R. P. BEACH,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-8392; Filed, Aug. 18, 1964; 8:50 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 771—EMPLOYEE GRIEVANCES AND ADMINISTRATIVE APPEALS

Part 771 is revised to clarify the intent of certain provisions and to supplement the regulations where a lack of specific coverage has caused operating problems.

Subpart A—[Reserved]

Subpart B—Administrative Appeals

DEFINITIONS AND COVERAGE

SEC.
771.201 Purpose.
771.202 Definitions.
771.203 Agency coverage.
771.204 Employee coverage.
771.205 Adverse action coverage.

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THE APPEAL

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771.225 Appellate decision.
771.226 Notice of appellate decision or of termination of appeal.

COMMISSION ACTION

771.227 Employee requests for review.
771.228 Review of agency appeals system.

AUTHORITY: The provisions of this Part 771 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218, E.O. 10987, 27 F.R. 550.

Subpart A—[Reserved]

Subpart B—Administrative Appeals

DEFINITIONS AND COVERAGE

§ 771.201 Purpose.

This subpart sets forth the regulations under which each agency shall establish an agency appeals system, as required by Executive Order 10987, that will provide a simple, orderly method through which an employee may seek prompt administrative reconsideration of a decision to take adverse action against him.

§ 771.202 Definitions.

In this subpart:

(a) "Appeal" means a request by an employee for reconsideration of a decision to take adverse action against him.

(b) "Appellate decision" means a decision made by an appellate level which completes action on the appeal at that level by sustaining the original decision, reversing the original decision, or modifying the original decision by substituting a less severe action.

(c) "Appellate level" means an agency administrative level with authority to act on an appeal which specifically includes the authority to sustain the original decision, reverse the original decision, and modify the original decision by substituting a less severe action.

(d) "Employee" includes a former employee of an agency.

(e) "Executive order" means Executive Order 10987, issued January 17, 1962.

(f) "Original decision" means a decision by an agency to take adverse action against an employee.

§ 771.203 Agency coverage.

(a) *Agencies covered.* Except as provided in paragraph (b) of this section, this subpart applies to the executive departments, military departments, and independent establishments in the executive branch of the Federal Government, including Government owned or controlled corporations; and to those portions of the legislative and judicial branches and of the government of the District of Columbia having positions in the competitive service.

(b) *Agencies not covered.* This subpart does not apply to the Central Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation, the Atomic Energy Commission, and the Tennessee Valley Authority.

§ 771.204 Employee coverage.

(a) *Employees covered.* Except as provided in paragraphs (b) and (c) of this section, this subpart applies to:

(1) A career, career-conditional, overseas limited, indefinite, or term employee in a position in the competitive service who is not serving a probationary or trial period; and

(2) An employee having a competitive status who occupies a position in Schedule B of Part 213 of this chapter under a nontemporary appointment.

(b) *Employees not covered.* This subpart does not apply to:

(1) A reemployed annuitant;

(2) An employee occupying a position in the competitive service under a temporary appointment;

(3) An employee whose appointment is required by Congress to be confirmed by, or made with, the advice and consent of the United States Senate, except a postmaster;

(4) An employee currently serving a probationary or trial period;

(5) An employee in the excepted service, except an employee with competitive status occupying a position in Schedule B of Part 213 of this chapter; or

(6) An employee serving under a term appointment on expiration of his term appointment.

(c) *Special exclusion.* This subpart does not apply to an employee otherwise included under paragraph (a) of this section when he is a member of a class of employees excluded from coverage by the Commission on the recommendation of the head of the agency concerned because the nature of the employee's work is such that inclusion under the agency appeals system is inappropriate.

§ 771.205 Adverse action coverage.

(a) *Actions covered.* Except as provided in paragraph (b) of this section, this subpart applies to:

(1) Discharge;

(2) Suspension for more than 30 days;

(3) Furlough without pay; and

(4) Reduction in rank or compensation, including that taken at the election of the agency after a position classification decision by the Commission.

(b) *Actions not covered.* This subpart does not apply to:

(1) A decision of the Commission;

(2) An action taken by an agency pursuant to specific instructions from the Commission;

(3) A reduction-in-force action taken under Part 351 of this chapter; or

(4) An action taken under the Act of August 26, 1950, as amended, or any other statute which authorizes an agency to take suspension or separation action without regard to section 6 of the Act of August 24, 1912, as amended, or any other statute.

GENERAL REQUIREMENTS

§ 771.206 Establishment and publication.

(a) Each agency shall establish and administer an agency appeals system in accordance with the Executive order and this subpart. Each system shall contain provisions which incorporate into the system the requirements set forth in §§ 771.209 through 771.226.

(b) Each agency shall give its employees and representatives of recognized employee organizations an opportunity to express their views in the development of, operations under, or changes to, its appeals system.

(c) Each agency may include provision for advisory arbitration, when appropriate, in its appeals system.

(d) Each agency shall publish the provisions of its appeals system; make

copies available to employees, their representatives, veterans organizations, and recognized employee organizations; and notify employees where a copy is available for review.

§ 771.207 Appellate levels.

An agency appeals system shall have one appellate level. However, with the approval of the Commission, an agency may have more than one appellate level when this is required by its delegations of authority or organization. In seeking the approval of the Commission, the agency shall submit a justification of its proposal and shall state the procedures it will follow in effecting the proposal. An agency may change the number or organizational location of approved appelate levels only with the concurrence of the Commission.

§ 771.208 Employee appeal file.

When an employee files an appeal under an agency appeals system, the agency shall establish an employee appeal file separate from the Official Personnel Folder. The agency shall file in the employees appeal file all documents pertinent to the appeal, such as copies of the notice of proposed adverse action; the employee's reply, if any; the notice of original decision; the employee's appeal; any pertinent evidence developed during the appeal; the reasons for not granting a hearing when one was requested but not granted; the reasons for not producing witnesses at the hearing; the written summary or transcript of the hearing when a hearing was held; the report of the committee; and the notice of appellate decision or the notice of termination of the appeal.

THE APPEAL

§ 771.209 Right to appeal.

(a) *Entitlement.* An employee is entitled to appeal under the agency appeals system from the original decision. The agency shall accept and process a properly filed appeal in accordance with its appeals system.

(b) *Notice.* The notice of original decision shall inform the employee of:

(1) His right to appeal under the agency appeals system;

(2) The time limit within which an appeal may be filed under the system;

(3) Any appeal rights he may have to the Commission;

(4) The order of processing appeals as prescribed in § 771.219; and

(5) The person with whom, or the office with which, he must file his appeal under the system, and where he may obtain information on how to pursue his appeal.

§ 771.210 Contents of appeal.

An appeal shall be in writing; shall set forth clearly the basis for the appeal; and shall include the employee's request, if any, for a hearing when he is entitled to one.

§ 771.211 Time limit for filing appeal.

(a) An employee may submit an appeal at any time after receipt of the notice of original decision but not later than 10 days after the adverse action has been effected.

(b) The agency may extend the time limit in this section (1) when the employee shows that he was not notified of the time limit and was not otherwise aware of it, or that he was prevented by circumstances beyond his control from appealing within the time limit, or (2) for other reasons considered sufficient by the agency.

§ 771.212 Presentation of appeal.

(a) An employee, in presenting his appeal under the agency appeals system, shall:

(1) Be assured freedom from restraint, interference, coercion, discrimination, or reprisal;

(2) Have the right to be accompanied, represented, and advised by a representative of his own choosing; and

(3) Be assured a reasonable amount of official time if he is otherwise in an active duty status.

(b) When the employee designates another employee of the agency as his representative, the representative, in presenting the appeal, shall:

(1) Be assured freedom from restraint, interference, coercion, discrimination, or reprisal; and

(2) Be assured a reasonable amount of official time if he is otherwise in an active duty status.

THE HEARING

§ 771.213 Right to a hearing.

(a) *Entitlement.* Except as provided in paragraph (b) of this section, an employee is entitled to a hearing on his appeal before a hearing committee. The employee is entitled to appear at the hearing personally or through or accompanied by his representative. The hearing may precede either the original decision or the appellate decision, at the agency's option. Only one hearing shall be held unless the agency determines that unusual circumstances require a second hearing.

(b) *Denial of hearing.* The agency may deny an employee a hearing on his appeal only (1) when a hearing is impracticable by reason of unusual location or other extraordinary circumstance, or (2) when the employee failed to request a hearing offered before the original decision.

(c) *Notice.* The agency shall notify an employee in writing before the original decision or before the appellate decision of (1) his right to a hearing, or (2) the reasons for the denial of a hearing.

§ 771.214 Hearing committee.

(a) A hearing committee consisting of one or more members shall preside at the hearing. The agency shall provide a method for selecting the committee that will insure that the members are fair, impartial, and objective. An individual who was responsible for reviewing or acting on the proposal or decision to take adverse action, or who will be responsible for reviewing or acting on the report of the committee, may not be a member of the committee.

(b) The agency shall establish reasonable time standards for the selection of the committee, for the conduct of the hearing, for completion of the report of the committee, and for decision on the appeal.

§ 771.215 Conduct of hearing.

(a) The hearing is not open to the public or the press. Attendance at a hearing is limited to persons determined by the hearing committee to have a direct connection with the appeal.

(b) The hearing is conducted so as to bring out pertinent facts, including the production of pertinent records.

(c) Rules of evidence are not applied strictly, but the hearing committee shall exclude irrelevant or unduly repetitious testimony.

(d) Decisions on the admissibility of evidence or testimony are made by the chairman of the hearing committee without polling the committee, except that when a member objects to a decision of the chairman, a ruling on the admissibility of the evidence or testimony in question is by majority vote of the committee with minority views recorded.

(e) Testimony is under oath or affirmation.

(f) The chairman of the hearing committee shall give the parties opportunity to cross-examine witnesses.

§ 771.216 Witnesses.

(a) The agency shall make its employees available as witnesses before a hearing committee when (1) requested by the committee after consideration of a request by the employee or the agency and (2) it is administratively practicable to comply with the request of the committee. If the agency determines that it is not administratively practicable to comply with the request of the committee, it shall submit for inclusion in the employee appeal file its written reasons for the declination.

(b) Employees of the agency are in a duty status during the time they are made available as witnesses.

(c) The agency shall assure witnesses freedom from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony

§ 771.217 Record of hearing.

(a) The hearing committee shall prepare a verbatim transcript or written summary of the hearing, including all pertinent documents submitted to and accepted by the committee for its consideration When the hearing is reported verbatim, the hearing committee shall make the transcript a part of the record of the proceedings. When the hearing is not reported verbatim, the hearing committee shall make a suitable summary of pertinent portions of the testimony. When agreed to in writing by the parties, the summary constitutes the report of the hearing and is made a part of the record of the proceedings. If the hearing committee and the parties fail to agree on the summary, the parties are entitled to submit written exceptions to any part of the summary, and those written exceptions and the summary constitute the report of the hearing and are made a part of the record of the proceedings.

(b) The employee is entitled to be furnished a copy of the transcript or

summary at or before the time he is furnished a copy of the report of the committee.

§ 771.218 Report of committee.

(a) The hearing committee shall make a written report of its findings or its findings and recommendations. When the hearing is held before the original decision, the report is made to the agency official who is to make the original decision. When the hearing is held after the original decision, the report is made to the agency official who is to make the appellate decision.

(b) The agency shall furnish the employee a copy of the committee's report and a copy of the hearing record if this has not been furnished previously. The agency shall also furnish the employee's representative a copy of the committee's report.

PROCESSING THE APPEAL

§ 771.219 Order of processing appeals.

(a) An appeal to the agency and an appeal to the Commission from the same original decision may not be processed concurrently.

(b) When the employee appeals first to the agency within the prescribed time limit, he is entitled to appeal to the Commission only after:

(1) Receipt of the final agency appellate decision, if the agency has only one appellate level;

(2) Receipt of the first-level agency appellate decision, if the agency has more than one appellate level; or

(3) 60 days from the date of filing the appeal to the agency, if no agency appellate decision has been made.

(c) An employee who appeals to the second agency appellate level forfeits his right of appeal to the Commission.

(d) An employee who appeals first to the Commission within the prescribed time limit forfeits his right of appeal to the agency.

§ 771.220 Avoidance of delay.

The agency shall give each appeal full, impartial, and expeditious consideration and shall prescribe regulations designed to prevent unreasonable delay by the employee in pursuing his appeal and directing the appropriate officials of the agency to process appeals with dispatch.

§ 771.221 Termination of appeal.

The agency shall terminate an employee's appeal:

(a) At the employee's request;

(b) If the employee files an appeal to the Commission from the same original decision and the Commission accepts the appeal for adjudication; or

(c) For failure to prosecute if the employee does not furnish required information and duly proceed with the advancement of his appeal. However, instead of terminating for failure to prosecute, the agency may adjudicate the appeal if sufficient information for that purpose is available. The agency may reopen a closed appeal under this paragraph only on a showing by the employee that circumstances beyond his control prevented him from prosecuting his appeal.

§ 771.222 Allegations of discrimination.

When an employee alleges that the original decision was based in whole or in part on discrimination because of race, creed, color, or national origin, the agency shall review that allegation under the provisions of Executive Order 10925 and the regulations of the President's Committee on Equal Employment Opportunity contained in chapter IV of this title. The agency may make an appellate decision unfavorable to the employee only after it has made an initial finding on the issue of discrimination.

§ 771.223 Death of employee.

When an appeal is filed properly before the death of the employee, the agency shall process it to completion and adjudicate it. The agency official authorized to decide the appeal may provide for amendment of the agency's records to show retroactive restoration and the employee's continuance on the rolls in an active duty status to the date of death.

§ 771.224 Appellate review.

(a) *Authorized official.* The agency official authorized to decide the appeal shall be at a higher administrative level than the agency official who made the original decision, except that when the head of the agency made the original decision, he shall decide the appeal.

(b) *Scope.* The scope of the appellate review shall include, but shall not be limited to, (1) a review of the issues of fact, and (2) a review of compliance with agency and Commission procedural requirements for effecting the adverse action.

§ 771.225 Appellate decision.

The authorized official shall consider the entire appellate record and, after that consideration, make an appellate decision.

§ 771.226 Notice of appellate decision or of termination of appeal.

The agency shall notify the employee and his representative promptly in writing of the appellate decision, or of the termination of the appeal, and of any appeal rights the employee may have under this chapter.

COMMISSION ACTION

§ 771.227 Employee request for review.

The Commission does not act on a request by an employee for a review of the agency's action under the agency appeals system unless the employee otherwise has a right to appeal to the Commission from the same adverse action and the Commission has accepted the appeal for adjudication.

§ 771.228 Review of agency appeals systems.

From time to time the Commission reviews agency appeals systems. When it finds that an agency's system or operations do not conform with the requirements of the Executive order or this subpart, the Commission requires corrective action to bring the agency's system or operations into conformity.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-8367; Filed, Aug. 18, 1964; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-EA-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones and Designation of Transition Areas

On January 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 571) stating that the Federal Aviation Agency proposed to alter the Quonset, R.I., and New Bedford, Mass., control zones, and designate the Providence, R.I., Block Island, R.I., and Groton, Conn., transition areas. In a supplemental notice on March 26, 1964 (29 F.R. 3773) the retention of controlled airspace in the vicinity of Taunton, Mass., by the designation of the Taunton transition area was proposed.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 15, 1964, as hereinafter set forth.

In § 71.171 (29 F.R. 1101) the following control zones are amended to read as follows:

Quonset Point, R.I.

Within a 5-mile radius of NAS Quonset Point (latitude 41°35'55" N., longitude 71°24'50" W.), within 2 miles each side of the NAS Quonset Point TACAN 151° radial extending from the 5-mile radius zone to 7 miles SE of the TACAN, within 2 miles each side of the NAS Quonset Point VOR 141° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR, within 2 miles each side of the 145° bearing from the NAS Quonset Point RBN, extending from the 5-mile radius zone to 9 miles SE of the RBN, and within a 1-mile radius of Newport Airpark, Newport, R.I. (latitude 41°31'50" N., longitude 71°17'00" W.), excluding that portion within the Providence, R.I., control zone.

New Bedford, Mass.

Within a 5-mile radius of the New Bedford Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.).

2. In § 71.181 (29 F.R. 1160) the following transition areas are added:

Providence, R.I.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Theodore Francis Green Airport, Providence, R.I., (latitude 41°43'30" N., longitude 71°25'48" W.), within 2 miles each side of the Providence ILS localizer

NE course, extending from the 8-mile radius area to the intersection of the Putnam, Conn., VORTAC 106° radial, within 5 miles SE and 8 miles NW of the Providence ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the OM, within a 12-mile radius of NAS Quonset Point, R.I., (latitude 41°35'55" N., longitude 71°24'50" W.), within a 7-mile radius of the New Bedford, Mass., Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.), within 8 miles SE and 11 miles NW of the New Bedford ILS localizer SW course, extending from the localizer to 12 miles SW of the OM, within a 5-mile radius of the Fall River, Mass., Municipal Airport (latitude 41°45'15" N., longitude 71°06'40" W.), and within 2 miles each side of the 028° bearing from latitude 41°45'15" N., longitude 71°06'55" W., extending from the Fall River Municipal Airport 5-mile radius area to 8 miles NE of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°12'45" N., longitude 70°42'30" W.; to latitude 41°07'10" N., longitude 71°09'00" W.; to latitude 41°05'15" N., longitude 71°22'05" W.; to latitude 41°03'35" N., longitude 71°31'40" W.; to latitude 41°00'35" N., longitude 72°05'00" W., thence to latitude 41°18'00" N., longitude 72°30'30" W.; to latitude 41°40'00" N., longitude 72°08'00" W.; to latitude 41°55'00" N., longitude 71°59'00" W.; to latitude 41°47'45" N., longitude 71°46'40" W.; thence clockwise along the arc of a 27-mile radius circle centered on the NAS Quonset Point VOR to latitude 41°56'35" N., longitude 71°26'00" W.; to latitude 42°04'00" N., longitude 71°19'00" W.; to latitude 41°53'30" N., longitude 70°56'30" W.; to latitude 41°42'00" N., longitude 70°48'00" W.; to latitude 41°21'00" N., longitude 70°48'00" W.; to the point of beginning.

Block Island, R.I.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of Block Island Airport (latitude 41°10'05" N., longitude 71°34'40" W.), and within 2 miles each side of the 264° bearing from the Block Island RBN (latitude 41°-10'07" N., longitude 71°36'23" W.) extending from the 4-mile radius area to 10 miles W of the RBN.

Groton, Conn.

That airspace extending upward from 700 feet above the surface within a 8-mile radiun of Trumbull Airport, Groton, Conn. (latitude 41°19'50" N., longitude 72°02'50" W.), and within 2 miles each side of the 216° and 244° bearings from the Groton RBN, extending from the 8-mile radius area to 8 miles SW of the RBN.

Taunton, Mass.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Taunton Municipal Airport (latitude 41°52'35" N., longitude 71°01'00" W.), and within 2 miles each side of the Whitman, Mass., VOR 187° radial, extending from the 4-mile radius area to the Whitman VOR.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on August 8, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8325; Filed, Aug. 18, 1964; 8:45 a.m.]

[Airspace Docket No. 64-EA-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Restricted Area and Federal Airways

The purpose of this amendment is to alter F.R. Doc. 64-7231 (29 F.R. 9821) which would enlarge R-6601, effective October 15, 1964. In paragraph two the exclusion of the airspace within R-6602 from Victor 157 (29 F.R. 6945) was inadvertently omitted, and Victor 222 will be altered in width (29 F.R. 9529) effective September 17, 1964, so the exclusions of restricted airspace in paragraph three are no longer applicable.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the original date of effectiveness may be retained.

In consideration of the foregoing, F.R. Doc. 64-7231 is amended, effective immediately, as hereinafter set forth.

(a) In paragraph two, delete "The airspace within R-6601 and R-6612 is excluded." and substitute "The airspace within R-6602, R-6612 and that portion of the W alternate airway within R-6601 are excluded." therefor.

(b) Delete third paragraph entirely.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 13, 1964.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 64-8326; Filed, Aug. 18, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration Relating to Extension of Federal Airway

On July 22, 1964, F.R. Doc. 64-7230 was published in the FEDERAL REGISTER (29 F.R. 9820) and amended Part 71 of the Federal Aviation Regulations by designating VOR Federal airway No. 320 from Peck, Mich., to Toronto, Ontario, Canada, excluding the portion within Canada. This action is to become effective 0001 e.s.t. September 10, 1964. This effective date was established at the request of the Canadian Department of Transport to coincide with their charting publication schedule.

Subsequent to publication of the amendment, the Canadian Department of Transport has informed the Agency that, in this instance, their charting date has been changed to coincide with the United States Coast and Geodetic Survey charting date, and have requested that we postpone the effective date of Airspace Docket No. 64-WA-41 until September 17, 1964.

Since this action is minor in nature and since more than 30 days will elapse from the time of publication of the amendment as originally adopted to the new effective date, this change is in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, effective immediately, the following change is made:

In F.R. Doc. 64-7230, "effective 0001 e.s.t. September 10, 1964," is deleted and "effective 0001 e.s.t. September 17, 1964," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 11, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8327; Filed, Aug. 18, 1964; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DIOCTYL SODIUM SULFOSUCCINATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1434) filed by Monsanto Company, 800 North Lindberg Boulevard, St. Louis, Missouri, 63166, and other relevant material, has concluded that an amendment to § 121.1137 should issue to prescribe the conditions of safe use of dioctyl sodium sulfosuccinate as a wetting agent in fumaric acid-acidulated fruit juice drinks. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1137 is amended by changing the introduction to the section and paragraph (b) to read as follows:

§ 121.1137 Dioctyl sodium sulfosuccinate.

Dioctyl sodium sulfossuccinate may be safely used as a wetting agent in fumaric acid-acidulated dry beverage base and in fumaric acid-acidulated fruit juice drinks, when standards of identity do not preclude such use, in accordance with the following condition:

* * * * *

(b) The labeling of the dry beverage base bears adequate directions for use and the additive is used in such an amount that the finished beverage or fruit juice drink will contain not in excess of 10 parts per million of the additive.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: August 12, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-8375; Filed, Aug. 18, 1964; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 11—Coast Guard, Department of the Treasury

[CGFR 64-45]

PART 11-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 11-2.2—Solicitation of Bids

PREPARATION OF INVITATIONS FOR BIDS

Pursuant to authority vested in me as Commandant, United States Coast Guard by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530), § 11-2.201(a) of Title 41, CFR, is amended by adding subparagraphs (54) and (55) as follows:

§ 11-2.201 Preparation of invitations for bids.

(a) * * *

(54) *Item identification requirements.* Invitations for bids for the procurement of equipment or materials for stock which has previously been assigned a Federal Stock Number will provide that:

The contractor shall prepare and furnish to the contracting officer, item identifications based on Federal Description Patterns for each item set forth below in accordance with Standard Guides for Preparation of Item Identifications by Government Supplier (Federal Standard No. 5a) _____ (list each item of the IFB requiring identification.)

Upon receipt of identification data, the contracting officer will forward same to the Commandant (FS-4) for obtaining an FSN from DOD.

(55) Any authorized deviations in a contract form will be made by setting forth in the invitation for bid a statement that the following alterations have been made in the provisions of this contract: _____. Physical change in printed forms is not authorized re § 1-1.009-2(d) of this title.

(14 U.S.C. 633, 10 U.S.C. Ch. 137)

Dated: August 11, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 64-8373; Filed, Aug. 18, 1964; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3432]

[Fairbanks 031222; 030967]

ALASKA

Withdrawing Lands for Protection of Public Recreation Values; Partly Revoking Air Navigation Site Withdrawal No. 164

By virtue of the authority vested in President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, and reserved under the jurisdiction of the Bureau of Land Management, Department of the Interior, for public recreation purposes:

FAIRBANKS MERIDIAN

EAGLE RECREATION SITE

T. 1 S., R. 32 E.,
Sec. 25, that portion south of Mission Creek;
Sec. 36, except U.S. Surveys 350, 353, 4033 and 4074.
T. 1 S., R. 33 E.,
Sec. 30, that portion south of Mission Creek, except U.S. Survey 350;
Sec. 31, that portion west of the Yukon River, except U.S. Surveys 350, 353 and 4033.

Containing approximately 816 acres.

2. The Departmental order of July 19, 1941, creating Air Navigation Site Withdrawal No. 164, is hereby revoked so far as it withdrew a tract of land at Eagle, Alaska, containing 20.66 acres, for use of the Alaska Road Commission in the maintenance of air navigation facilities.

The tract is included in the withdrawal made by paragraph 1 of this order.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 13, 1964.

[F.R. Doc. 64-8338; Filed, Aug. 18, 1964; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14843; FCC 64-687]

PART 95—CITIZENS RADIO SERVICE

Miscellaneous Amendments; Correction

In the matter of amendment of Part 19 (now Part 95) Citizens Radio Service, to revise Subpart D, Station Operating Requirements, and to make other changes, Docket Nos. 14843, RM-252, RM-311, RM-312, RM-342, RM-347.

Paragraph 16 of Appendix B to the Report and Order[1] in the above-entitled matter, FCC 64-687, adopted July 22, 1964, is corrected by changing the reference to "paragraph (d)" contained in § 95.97(b) to read "paragraph (c)".

Released: August 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-8381; Filed, Aug. 18, 1964; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Alaska

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds is permitted only on the islands of Adak, Atka, Unimak, Shemya, Attu, and Great Sitkin. A map of the area is available at the refuge headquarters, Cold Bay, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, coot, ducks (except canvasback and redheads), and geese (except Canada geese and subspecies).

[1] Published July 31, 1964, 29 F.R. 11099.

(b) Open season:
(1) Wilson's snipe—from one-half hour before sunrise to sunset September 1 through October 31, 1964.
(2) Coots, ducks, geese, and brant—from one-half hour before sunrise to sunset October 15, 1964, through January 15, 1965.
(c) Other provisions:
(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.
(2) A Federal permit is not required to enter the public hunting area.
(3) The provisions of this special regulation are effective to January 16, 1965.

ARCTIC NATIONAL WILDLIFE RANGE

Public hunting of migratory game birds is permitted on all lands within the Arctic National Wildlife Range. A map of the area is available from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:
(a) Species permitted to be taken: Wilson's snipe, brant, coot, ducks (except canvasback and redhead), and geese.
(b) Open season:
(1) Wilson's snipe—From one-half hour before sunrise to sunset September 1 through October 31, 1964.
(2) Coots, ducks, geese, and brant—From one-half hour before sunrise to sunset September 1 through December 14, 1964.
(c) Other provisions:
(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.
(2) A Federal permit is not required to enter the public hunting area.
(3) The provisions of this special regulation are effective to December 15, 1964.

KENAI NATIONAL MOOSE RANGE

Public hunting of migratory game birds is permitted on all the lands within the Kenai National Moose Range. A map of the area is available at the refuge headquarters, Kenai, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:
(a) Species permitted to be taken: Wilson's snipe, brant, coot, little brown crane, ducks (except canvasback and redhead), and geese.
(b) Open season:
(1) Wilson's snipe—From one-half hour before sunrise to sunset September 1 through October 31, 1964.
(2) Coots, ducks, geese, and brant—From one-half hour before sunrise to sunset September 1 through December 14, 1964.
(3) Little brown crane—From one-half hour before sunrise to sunset September 1 through October 15, 1964.
(c) Other provisions:
(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.
(2) A Federal permit is not required to enter the public hunting area.
(3) The provisions of this special regulation are effective to December 15, 1964.

IZEMBEK NATIONAL WILDLIFE RANGE

Public hunting of migratory game birds is permitted on all lands within the Izembek National Wildlife Range. A map of the area is available at the refuge headquarters, Cold Bay, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:
(a) Species permitted to be taken: Wilson's snipe, brant, coot, ducks (except canvasback and redhead), and geese.
(b) Open season:
(1) Wilson's snipe—From one-half hour before sunrise to sunset September 1 through October 31, 1964.
(2) Coots, ducks, geese, and brant—From one-half hour before sunrise to sunset September 1 through December 14, 1964.
(c) Other provisions:
(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.
(2) A Federal permit is not required to enter the public hunting area.
(3) The provisions of this special regulation are effective to December 15, 1964.

CLARENCE RHODE NATIONAL WILDLIFE RANGE

Public hunting of migratory game birds is permitted on all lands within the Clarence Rhode National Wildlife Range. A map of the area is available from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:
(a) Species permitted to be taken: Wilson's snipe, brant, coot, little brown crane, ducks (except canvasback and redhead), and geese.
(b) Open season:
(1) Wilson's snipe—From one-half hour before sunrise to sunset September 1 through October 31, 1964.
(2) Coots, ducks, geese, and brant—From one-half hour before sunrise to sunset September 1 through December 14, 1964.
(3) Little brown crane—From one-half hour before sunrise to sunset September 1 through October 15, 1964.
(c) Other provisions:
(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.
(2) A federal permit is not required to enter the public hunting area.
(3) The provisions of this special regulation are effective to December 15, 1964.

KODIAK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds is permitted on all the lands within the Kodiak National Wildlife Refuge. A map of the area is available at the refuge headquarters, Kodiak, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg. Hunting shall be in accordance with all applicable State regulations subject to the following conditions.
(a) Species permitted to be taken: Wilson's snipe, brant, coot, ducks (except canvasback and redhead), and geese.
(b) Open season:
(1) Wilson's snipe—From one-half hour before sunrise to sunset September 1 through October 31, 1964.
(2) Coots, ducks, geese, and brant—From one-half hour before sunrise to sunset September 1 through December 14, 1964.
(c) Other provisions:
(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.
(2) A Federal permit is not required to enter the public hunting area.
(3) The provisions of this special regulation are effective to December 15, 1964.

NUNIVAK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds is permitted on all of the lands within the Nunivak National Wildlife Refuge. A map of the area is available from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:
(a) Species permitted to be taken: Wilson's snipe, brant, coot, little brown crane, ducks (except canvasback and redhead), and geese.
(b) Open season:
(1) Wilson's snipe—From one-half hour before sunrise to sunset September 1 through October 31, 1964.
(2) Coots, ducks, geese, and brant—From one-half hour before sunrise to sunset September 1 through December 14, 1964.

(3) Little brown crane—From one-half hour before sunrise to sunset during the period September 1 through October 15, 1964.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1964.

P. T. QUICK,
Regional Director,
Portland, Oregon.

[F.R. Doc. 64-8355; Filed, Aug. 18, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Hearing Relating to Group-Term Life Insurance Purchased for Employees

The proposed amendment to the regulations under section 79 of the Code, relating to group-term life insurance purchased for employees, was published in the FEDERAL REGISTER for July 29, 1964.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Thursday, September 10, 1964, at 10:00 a.m., e.d.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC: LR: T, Washington, D.C., 20224, by September 4, 1964.

[SEAL] CHARLES R. SIMPSON,
Director, Legislation and Regulations Division, Internal Revenue Service.

[F.R. Doc. 64-8369; Filed, Aug. 18, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Proposed Expenses of Control Board and Rate of Assessment for 1964–65 Crop Year

Notice is hereby given that there is under consideration a proposal regarding expenses of the Almond Control Board and a rate of assessment for the 1964–65 crop year beginning July 1, 1964. The proposal, which is based on the recommendation of the Control Board and other available information, would be established pursuant to the provisions of amended Marketing Agreement No. 119 and Order No. 981 (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than ten days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The quantity of assessable almonds for the 1964–65 crop year is presently estimated at 75 million pounds (kernel weight). In order to protect against unanticipated crop losses, an assessment rate of 0.10 cents per pound of almond kernels should be established to assure the availability of sufficient funds to meet the expenses of the Control Board for the 1964–65 crop year.

The proposal is as follows:

§ 981.314 Budget of expenses of the Control Board and rate of assessment for the 1964–65 crop year.

(a) *Budget of expenses.* The budget of expenses of the Control Board for the crop year beginning July 1, 1964, shall be in the total amount of $55,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Board, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The assessment required to be paid by each handler in accordance with § 981.81 is established for said year at the rate of 0.10 cent per pound of almonds (kernel weight basis).

Dated: August 14, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F. R. Doc. 64-8349; Filed, Aug. 18, 1964; 8:46 a.m.]

[7 CFR Part 1137]

[Docket No. AO-326-A5]

MILK IN EASTERN COLORADO MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendment to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed amendment to the tentative marketing agreement and order regulating the handling of milk in the Eastern Colorado marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the close of business the third day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment, as hereinafter set forth, to the tentative marketing agreement and to the order as amended was formulated, was conducted at Denver, Colorado, on July 10, 1964, pursuant to notice thereof which was issued June 24, 1964 (29 F.R. 8228).

The material issue on the record of the hearing relates to diversion of producer milk by cooperative associations.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The order provision governing diversions should be amended to provide additional flexibility by permitting two or more cooperatives to combine their total deliveries to pool plants for the purpose of calculating the amount of milk which they may divert jointly as producer milk. This option should only apply when each association has filed a written request with the market administrator on or before the first day of the month for which the agreement is effective. This request should also indicate the responsibility each association assumes for designating the farmers whose milk is diverted in excess of the allowable amounts.

The order presently provides that the quantity of producer milk diverted by a single cooperative may not exceed 30 percent of its member-producer milk received at all distributing pool plants in the months of March, April, May, June, July and December and 20 percent of such receipts in other months.

The Denver Milk Producers, Inc., a cooperative association representing a majority of the producers on the market, and the Cache Valley Dairy Association, also a cooperative with producers on the market, supported the proposal to permit two or more cooperatives to base diversions on combined deliveries to pool plants. Their representative testified that a number of Cache Valley's producers may lose their market due to a change in ownership of a plant supplied by this association. He stated that these producers have been associated with the Eastern Colorado market for some time and their milk is needed on the market during a portion of the year. The need for this milk is evident from the large quantities of milk which it has been necessary to import into the market during the fall months over the past years. He further testified that the proposed amendment would permit this milk to continue to be associated with the market during the months of short supply without the necessity of uneconomic movements of milk or the overloading of nearby manufacturing facilities during the flush production months.

The facilities within the marketing area for handling milk not needed for fluid use are limited. The major outlets for surplus milk are a condensery at Johnstown, Colorado, and a cheese plant

at Denver, Colorado. During the recent flush period, these plants were operating at capacity and in some instances it was necessary for Denver Milk Producers, Inc., to hold surplus milk in their storage facilities for several days before it could be accepted by these manufacturing plants. However, nonpool manufacturing plants in Utah at Smithfield, Ogden and Richmond had the capacity to handle considerable quantities of diverted milk.

This amendment would facilitate for the proponent cooperative associations the arranging of their operations so that milk not needed for fluid use in the market could be more readily diverted to manufacturing plants nearer the production area. They have entered into a proposed agreement whereby the milk of their member producers who are located in Utah and northern Colorado would be diverted to nonpool plants in Utah when not needed for fluid use in the market. This would eliminate the necessity of this milk being hauled long distances to pool plants in or near Denver in order to keep it associated with the pool, while milk produced in nearby areas is being diverted to distant manufacturing plants. Thus, the necessary reserve milk for the fluid market would be utilized more efficiently.

The diversion of the more distant milk would also tend to increase the uniform price to all producers. Since the order prices milk at the point at which actually received, the market pool would benefit by the total value of the location differentials applicable on the diverted milk.

Permitting cooperative associations to combine total deliveries to pool plants for calculating the quantity of milk which they may divert would not result in the total amount of milk which may be diverted as producer milk being any greater than under the present order. Neither would it change the requirement that the milk of each member producer must continue to be received at a distributing pool plant for at least three days during the month for such person to qualify as a producer. This amendment would add flexibility to the diversion provisions without lowering the standards presently provided.

The order presently places on the cooperative the burden of assigning overdiverted milk among producers. This practice should be continued. In many cases it would be difficult for the market administrator to fix the responsibility for milk diverted in excess of permissible quantities when two or more cooperatives are involved. Therefore, in its request to exercise this option each cooperative should state the basis on which over-diverted milk is to be assigned to the producer members of each cooperative association. Such basis of assignment must be approved by the market administrator as a practical method which will insure the application of the intended limits with respect to total eligible diversions.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of a certain interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions is denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and 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) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be 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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Eastern Colorado marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

In § 1137.10 paragraph (b)(1) is revised to read as follows:

§ 1137.10 Producer.

* * * * *

(b) * * *

(1) A cooperative association may divert for its account the milk of any member-producer whose milk is received at a distributing pool plant for at least three days during the month, without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 30 percent in the months of March, April, May, June, July and December and 20 percent in other months of its member-producer milk received at all distributing pool plants during the month. Diversions in excess of such percentages shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member-producers if each association has filed such a request in writing with the market administrator on or before the first day of the month the agreement is effective. This request shall specify the basis for assigning over-diverted milk to the producer members of each cooperative according to a method approved by the market administrator.

* * * * *

Signed at Washington, D.C., on August 13, 1964.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 64-8350; Filed, Aug. 18, 1964; 8:46 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50-203]

RULES OF PRACTICE RELATING TO DETERMINATION OF MINIMUM WAGES FOR SEPARABLE GROUPS OF JOBS

Notice of Proposed Rule Making

Since passage of the Walsh-Healey Act in 1936, it has frequently been found necessary to determine separate prevailing minimum wages within an industry for separable groups of occupations in order to effectuate the purposes of the Act. The main purpose of the Act, as recently stated by the United States Court of Appeals for the District of Columbia Circuit, "was of course to make certain that the United States, in contracting for materials for its own use, did not patronize firms which paid wages lower than those being generally paid in the industry,"[1] or, in the words of the Supreme Court, "to obviate the possibility that any part of our tremendous national expenditures would go to forces tending to depress wages."[2]

Experience under the Act has shown that determination of a single prevailing minimum wage for all workers of an industry is often an ineffectual means of promoting this statutory purpose. This is particularly evident in industries where there is a substantial gap between the wage scale prevailing for the bulk of the direct production workers and the wage scale prevailing for groups of workers engaged in production-connected or auxiliary tasks. In recognition of this, the Secretary has determined more than a single prevailing minimum when, for example, he has found that "the industry recognizes two separate and distinct wage classifications and * * * there is necessity for the establishment of a dou-

[1] Wirtz v. Baldor Electric Co., 48 Labor Cases, ¶ 31,518.

[2] Perkins v. Lukens Steel, 310 U.S. 113.

ble wage standard in order to protect the prevailing wage structure of the industry" (Uniform and Clothing Industry Determination, 6 F.R. 646), or has found that the prevailing wage scale for the "common labor group" is distinctly different from that for skilled workers (Iron and Steel Industry Determination, 14 F.R. 4668), or has found that the wages paid for certain occupations of relatively little numerical significance in the industry are unrelated to and separable from the minimum wages prevailing for the rest of the workers who constitute the great bulk of employment in the industry (Men's Neckwear Industry Determination, 2 F.R. 1336; see also Bituminous Coal Industry Determination, 20 F.R. 8044).

Usually, in such cases, a primary minimum wage has been determined for all workers except specifically designated occupations or occupational groups, and a separate secondary minimum is determined for the latter. The lower or secondary minimum, though sometimes characterized as a "tolerance" or subminimum" rate, has, in fact, been based on evidence showing that it is the prevailing minimum wage for the occupational groups covered by it.

Frequently it is not feasible, however, to determine different minimums for different occupational groups, and in many industries an attempt to determine differential minimum rates along occupational lines would cause serious administrative difficulties and enforcement problems.

In order that participants in wage determination proceedings under the Walsh-Healey Act may be aware of the considerations which may justify the determination of separate minimums for different occupations or occupational groups, and under authority in 41 U.S.C. 38, I propose to amend 41 CFR 50–203 by renumbering the present §§ 50–203.18 through 50–203.22, both inclusive, as §§ 50–203.19 through 50–203.23 respectively, and adding a new § 50–203.18 to read as hereinbelow set out. Interested persons shall have a period of sixty days after publication of this document in the FEDERAL REGISTER to present data, views, and argument concerning its terms or substance to the Secretary of Labor by correspondence directed to him at the United States Department of Labor, 14th and Constitution Avenue NW., Washington, D.C., 20210.

The proposed new § 50–203.18 would read as follows:

§ 50–203.18 Determination of different prevailing minimum wages for separable groups of occupations.

(a) Different prevailing minimum wages may be determined for separable groups of occupations within an industry whenever it is found that the determination of more than a single prevailing minimum wage will better effectuate the purposes of the Act. In determining whether multiple minimums are justified, consideration will be given to the characteristics of the particular industry's wage structure and administrative feasibility. The following factors are relevant to such a determination, although in a particular industry other factors as well may be deemed germane:

(1) Separability of different groups of occupations (e.g. whether there are groups of occupations which are generally recognized throughout the industry as separate and identifiable).

(2) Differences in wages paid to different groups of occupations (e.g. whether there are certain groups of occupations encompassing a substantial number of employees generally compensated throughout the industry at higher wages than other occupations) and the availability of evidence on which multiple minimums may be determined.

(3) Differences in relationship of groups of occupations to the basic productive process (e.g. direct production jobs as distinguished from production-connected or auxiliary jobs).

(4) Differences in method of compensating workers in different groups of occupations (e.g. where certain groups of occupations are paid on an hourly basis while others are paid on an incentive or salaried basis).

(b) Any interested person may suggest the appropriateness of determining more than one prevailing minimum wage within an industry. In the past multiple minimums have been determined upon the suggestion of employers, unions representing affected employees, and on the initiative of the Secretary of Labor in light of the evidence developed at the hearing.

(c) If, in advance of a wage determination hearing, the Administrator of the Wage and Hour and Public Contracts Divisions believes that two or more prevailing minimums may be appropriate for the industry involved, separate wage data will be prepared and the possibility of determining more than one prevailing minimum will be specifically mentioned in the notice of hearing as one of the issues to be considered. Since, however, the appropriateness of more than one minimum may not become apparent until evidence is introduced at the hearing, no interested person is foreclosed from raising the issue or from introducing evidence or data by which wage differentials may be measured, and the determination will be made responsive to such evidence.

(Sec. 4, 49 Stat. 2038; 41 U.S.C. 38)

Signed at Washington, D.C., this 13th day of August 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64–8378; Filed, Aug. 18, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Proposed Surface Lubricants Used in Manufacture of Metallic Articles

The Commissioner of Food and Drugs has received petitions from the following persons proposing the amendment of § 121.2531 of the food additive regulations to provide for the use of additional substances in surface lubricants used in the manufacture of metallic articles that contact food:

Emery Industries, Inc., 4300 Carew Tower, Cincinnati, Ohio (FAP 1268).
Humble Oil and Refining Company, Houston 1, Texas (FAP 1432).

The Commissioner has also received a petition (FAP 1338) from the Aluminum Foil Division of the Aluminum Association, 420 Lexington Avenue, New York 17, New York, proposing the amendment of the food additive regulations to provide for the use of certain substances in surface lubricants used in the drawing, stamping, and forming of metallic food-contact articles from rolled foil or sheet stock by further processing, where the maximum amount of total residual lubricant remaining on the food-contact surface of the metallic articles as a result of the use of such lubricants does not exceed 0.2 milligram per square inch.

On the basis of the information contained in the petitions and other relevant material, the Commissioner of Food and Drugs proposes the amendment of § 121.2531 of the food additive regulations as hereinafter outlined, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471). The Commissioner hereby invites all interested persons to submit written views and comments thereon, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days from the date this notice is published in the FEDERAL REGISTER. Comments may be accompanied by a memorandum or brief in support thereof.

It is proposed to revise § 121.2531 to read as follows:

§ 121.2531 Surface lubricants used in the manufacture of metallic articles.

Surface lubricants may be safely used in the manufacture of metallic articles that contact food, in accordance with the following prescribed conditions:

(a) The surface lubricants are prepared from one or more of the substances identified in subparagraph (1) of this paragraph and are used to facilitate the rolling of metallic foil and sheet stock, subject to the limitations prescribed in subparagraph (2) of this paragraph.

(1) Subject to any prescribed limitations, substances permitted to be used in surface lubricants used in the rolling of metallic foil and sheet stock include:

(i) Substances identified in paragraph (b) (1) of this section.

(ii) Substances identified in this subdivision.

List of substances	Limitations
tert-Butyl alcohol	
Dimers and trimers of unsaturated C_{18} fatty acids derived from: Animal and vegetable fats and oils. Tall oil.	For use only at a level not to exceed 10 percent by weight of finished lubricant formulation.
Ethylenediaminetetraacetic acid, sodium salts.	
Isopropyl alcohol	
Isopropyl oleate	
Methyl esters of fatty acids (C_{16}–C_{18}) derived from animal and vegetable fats and oils.	
Mineral oil	
Polyethylene glycol (400) monostearate.	
Polyisobutylene (minimum molecular weight 350).	
Polyvinyl alcohol	
Tallow, sulfonated	
Triethanolamine	

(2) (i) The quantity of surface lubricant used in the rolling of metallic foil and sheet stock shall not exceed the least amount reasonably required to accomplish the intended technical effect and shall not be intended to nor, in fact, accomplish any effect in the food itself.

(ii) The total residual lubricant remaining on the metallic article in the form in which it contacts food shall not exceed 0.015 milligram per square inch of metallic food-contact surface.

(iii) The use of the lubricants in the manufacture of any article that is the subject of a regulation in this Subpart F must comply with any specifications and limitations prescribed by such regulation for the finished form of the article.

(b) The surface lubricants are prepared from one or more of the substances identified in subparagraph (1) of this paragraph and are used to facilitate the drawing, stamping, and forming of metallic articles from rolled foil or sheet stock by further processing, subject to the limitations prescribed in subparagraph (2) of this paragraph.

(1) Subject to any prescribed limitations, substances permitted to be used in surface lubricants used in the drawing, stamping, and forming of metallic articles formed from rolled foil and sheet stock by further processing include:

(i) Substances generally recognized as safe.

(ii) Substances used in accordance with a prior sanction or approval.

(iii) Antioxidants used in compliance with regulations in this Part 121.

(iv) Substances identified in this subdivision.

List of substances	Limitations
Acetylated mono- and diglycerides.	
Acetyl tributyl citrate	
Acetyl triethyl citrate	
Butyl stearate	
Castor oil	
Dibutyl sebacate	
Dimethylpolysiloxane	Conforming to the identity prescribed in § 121.2001.
Dioctyl sebacate	
Dipropylene glycol	
Epoxidized soybean oil	Conforming to the identity prescribed in § 121.2001.
Fatty acids derived from animal and vegetable fats and oils, and salts of such acids, single or mixed, as follows: Aluminum. Magnesium. Potassium. Sodium. Zinc.	
Fatty alcohols, straight-chain, with even number carbon atoms (C_{10} or greater).	
Lanolin	
Linoleic acid amide	
Mineral oil, white or technical white.	
Mono-, di-, and tristearyl citrate	
Oleic acid amide	
Palmitic acid amide	
Petrolatum	
Polyethylene glycol (molecular weight greater than 300).	
Polyoxyethylene (20) sorbitan monolaurate.	
Polysorbate 80	Conforming to the identity prescribed in § 121.1009.
Sorbitan monolaurate	
Sorbitan monooleate	
Stearic acid amide	
Tin stearate	
Triethylene glycol	Diethylene glycol content not to exceed 0.1 percent.
Wax, petroleum	Complying with § 121.2586.

(2) (i) The quantity of surface lubricant used in the drawing, stamping, and forming of metallic articles from rolled foil or sheet stock by further processing shall not exceed the least amount reasonably required to accomplish the intended technical effect and shall not be intended to nor, in fact, accomplish any effect in the food itself.

(ii) The total residual lubricant remaining on the metallic article in the form in which it contacts food shall not exceed 0.2 milligram per square inch of metallic food-contact surface.

(iii) The use of the lubricants in the manufacture of any article that is the subject of a regulation in this Subpart F must comply with any specifications prescribed by such regulation for the finished form of the article.

(c) Any substance that is listed in paragraph (a) (1) or (b) (1) of this section and that is the subject of a regulation in this Subpart F shall comply with any applicable specifications prescribed by such regulations.

(Sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348)

Dated: August 13, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-8376; Filed, Aug. 18, 1964; 8:48 a.m.]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Notice of Proposed Rule Making

Notice is hereby given that under authority of the Act of September 28, 1959, as amended, 5 U.S.C. 3001 et seq., it is proposed to amend Part 890 of Title 5 of the Code of Federal Regulations to incorporate the substantive changes explained below and to make several other changes of a clarifying nature.

In § 890.101(a)(3), an obsolete reference to the enrollment of a female with a family including a nondependent husband is eliminated.

In § 890.102(c)(2), the statement regarding cooperative work-study trainees is modified to provide for the possibility of Schedule B appointment of this class of employees.

One amendment to § 890.102(c) will permit Post Office Department TAPERS[1] to become enrolled. TAPERS of other departments already have that right. The remainder of the paragraph is renumbered.

As to § 890.103(c), subparagraph (2) is intended to permit the Commission to retroactively or prospectively correct gross inequities, as for example where divorced parents happen to both enroll for self and family in the same plan to protect their children. Subparagraph (3) is intended to permit an enrollee to transfer from a closed-panel plan when the doctor-patient relationship has been impaired to the extent that it precludes furnishing adequate medical care. The Commission anticipates, based on the infrequency of such cases in the past, that both proposed subparagraphs (2) and (3) will be used only rarely.

A provision requiring notice to the employing office and the employee of any termination by the carrier has been added to § 890.201(a)(2). This provision has been standard in employee organization contracts.

Section 890.201(a)(5) is modified by striking the requirement that carriers provide brochures because official brochures are provided by the Government.

A specific date of a termination seldom coincides with the last day of the pay period for all enrollees in the plan. The provision incorporated as § 890.201(a)(9), now contained in most contracts, provides a practical means for continuing enrollments in a terminated plan until each individual employee's or annuitant's enrollment in his new plan becomes effective and at the same time obviates the need for pro-rating the individual subscription charges for the payroll period within which the contract terminates.

The Commission has not yet acted on a still-pending change published in the FEDERAL REGISTER of June 5, 1964, which if promulgated would rescind § 890.202(e) and add a new § 890.203(a) governing advertising and solicitation.

Section 890.203(b) has been amended so as to permit an additional two months for proposal of changes in subscription charges. The advantage of another two months experience in fixing rates is obvious, and the new time limit is the latest which permits revision and distribution of schedules of subscription charges.

Section 890.301(a) is amended to eliminate the 6-pay period wait for substitute postal employees originally asked for by the Post Office Department (but no longer considered necessary) to reduce paperwork in cases of new substitutes who quit after working only a few pay periods.

Section 890.301(d) is amended to eliminate the regulations which provided for the 1963 open season.

[1] TAPERS refer to employees who are Temporarily Appointed Pending Establishment of a (civil service) Register.

The amendment to § 890.301(g) permits (1) an employee covered as a family member to enroll in his own right when he loses coverage under his parent's enrollment at age 21 and (2) continued enrollment for annuitants who are able to put together five years of coverage either as enrollees or member of family, in any order.

The amendment to § 890.301(h) allows a person who leaves the full service area of a comprehensive plan to change his enrollment to another plan at any time after the move. It also eliminates (by omission) the restriction against changing from self-only to family enrollment in such a case. The former time limit of 31 days after the move has proved unnecessarily restrictive.

Section 890.301(j) is rewritten for clarity and to give an employee retiring overseas the right to elect family coverage. This gives him the same right as an employee returning from overseas to retire, except for the right of initial enrollment.

The amendment to § 890.301(k) eliminates (by omission) the restriction against changing from self-only to family enrollment when transferring from a discontinued plan or option and adds a provision for the treatment of enrollments of persons who fail to change within the time set.

Section 890.301(l) is proposed to be amended so as to change the registration age from 21 back to 19, which is believed to be the most common termination age in non-Federal plans. This provision is intended to give a young employee a chance to enroll at the time his coverage under his parent's non-Federal plan ceases. The original age was set at 19. It was changed to 21 on the enactment of Public Law 88–284, but a young Federal employee who loses coverage under his parent's enrollment in the Federal Program at 21, can enroll in his own right under § 890.301(g).

Section 890.301(r) is revised by dropping subparagraph (1), which has been executed, and by changing the date in former subparagraph (2), which becomes the full paragraph, to December 31, 1964, as required by Public Law 88–284.

Section 890.302 is renumbered because of a prior deletion of paragraph (b) pertaining to dependent husbands.

The amendment to § 890.303(a) carries out the intent of Public Law 88–284.

The change in § 890.303(b) is required by the elimination of former § 890.102 (c)(3).

The addition of § 890.303(e) precludes the possibility of extending the 365-day period of free coverage by a nominal return to pay status.

The change in § 890.304(a)(4) flows from that in § 890.303(e).

The elimination of former § 890.304(a)(5) is part of the change pertaining to substitutes in the postal field service. Based on the Post Office Department's representations, and with the protection afforded by the addition of § 890.303(e), we do not expect any adverse results.

Section 890.306(a) is modified so as to eliminate any special effective date when open seasons are provided.

Occasionally an employee enrolls for a family enrollment when he has no eligible family members or fails to change from family to self-only when there are no longer any eligible family members. Both he and the Government have paid for coverage he did not have. The amendment to § 890.306(b) gives the employing office authority to correct the situation.

A provision for the effective date of an annuitant's change to lower cost enrollment has been added as § 890.306(c).

The elimination of § 890.306(d)(2) is part of the change affecting substitutes in the postal field service.

Section 890.401(b)(2) is amended to include a requirement present in all contracts.

Section 890.502(c) is added to parallel the similar provision with respect to Government contribution. It does not change the existing method of determining withholding.

Interested persons may submit written comments, objections, or suggestions to the Bureau of Retirement and Insurance, U.S. Civil Service Commission, Washington, D.C., 20415, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Part 890 of Chapter I of Title 5, Code of Federal Regulations, is amended to read as follows:

Subpart A—Administration and General Provisions

Sec.
890.101 Definitions; time computations.
890.102 Coverage.
890.103 Employee appeals.
890.104 Legal actions.

Subpart B—Health Benefits Plans

890.201 Minimum standards for health benefits plans.
890.202 Minimum standards for health benefits carriers.
890.203 Application for approval of, and proposal of amendments to, health benefits plans.
890.204 Withdrawal of approval of health benefits plans.

Subpart C—Registration and Enrollment

890.301 Opportunities to register to enroll and change enrollment.
890.303 Continuation of enrollment.
890.302 Coverage of family members.
890.304 Termination of enrollment.
890.305 Reinstatement of enrollment after military service.
890.306 Effective dates.
890.307 Waiver or suspension of annuity or compensation.

Subpart D—Temporary Extension of Coverage and Conversion

890.401 Temporary extension of coverage and conversion.

Subpart E—Contributions and Withholdings

890.501 Government contributions.
890.502 Employee withholdings.
890.503 Reserves.

AUTHORITY: The provisions of this Part 890 issued under sec. 10, 73 Stat. 715; 5 U.S.C. 3009.

Subpart A—Administration and General Provisions

§ 890.101 Definitions; time computations.

(a) In this part:

(1) Terms defined by section 2 of the Federal Employees Health Benefits Act of 1959 have the meanings there set forth.

(2) "Cancellation" means the act of filing a health benefits registration form terminating enrollment in a health benefits plan and electing not to be enrolled for the future by an enrolled employee or annuitant who is eligible to continue enrollment.

(3) "Change of enrollment" means the registration of an enrolled employee or annuitant to be enrolled for another plan or option, or for a different type of coverage (self alone or self and family), from that for which then enrolled.

(4) "Eligible" means eligible under the law and this part to be enrolled.

(5) "Employing office" means the office of an agency to which jurisdiction and responsibility for health benefits actions for the employee concerned have been delegated. For enrolled annuitants who are not also eligible employees, the office which has authority to approve payment of annuity or workmen's compensation for the annuitant concerned is the employing office.

(6) "Immediate annuity" means an annuity which begins to accrue not later than 1 month after the date enrollment under a health benefits plan would cease for an employee or member of family if he were not entitled to continue enrollment as an annuitant. Notwithstanding the foregoing, an annuity which commences on the birth of the posthumous child of an employee or annuitant is an immediate annuity.

(7) "Option" means a level of benefits. It does not include distinctions as to the members of the family covered.

(8) "Pay period" means the biweekly pay period established pursuant to the Federal Employees Pay Act of 1945, as amended, for the employees to whom that act applies; the regular pay period for employees not covered by that act; and the period for which a single installment of annuity is customarily paid for annuitants.

(9) "Register" means to file with the employing office a properly completed health benefits registration form, either electing to be enrolled in a health benefits plan or electing not to be enrolled. "Register to be enrolled" means to register an election to be enrolled. "Enrolled" means to be enrolled in a health benefits plan approved by the Commission under this part.

(10) "Regular tour of duty" means a work schedule, prescribed in advance to continue indefinitely or for at least 6 months, of a certain number of hours or other time units in a day, week, biweekly pay period, month, or year.

(b) Whenever, in this part, a period of time is stated as a number of days or a number of days from an event, the period is computed in calendar days, excluding the day of the event. Whenever, in this part, a period of time is defined by beginning and ending dates, the period includes the beginning and ending dates.

§ 890.102 Coverage.

(a) Each employee, other than those excluded by paragraph (c) of this sec-

tion, is eligible to be enrolled in a health benefits plan at the time and under the conditions prescribed in this part.

(b) An employee who serves in cooperation with non-Federal agencies and is paid in whole or in part from non-Federal funds may register to be enrolled within the period prescribed by the Commission for the group of which the employee is a member following approval by the Commission of arrangements providing that (1) the required withholdings and contributions will be made from Federally-controlled funds and timely deposited into the Employees Health Benefits Fund, or (2) the cooperating non-Federal agency will, by written agreement with the Federal agency, make the required withholdings and contributions from non-Federal funds and transmit them for timely deposit into the Employees Health Benefits Fund.

(c) The following employees are not eligible:

(1) An employee serving under an appointment limited to 1 year or less, except an acting postmaster.

(2) An employee whose employment is of uncertain or purely temporary duration, or who is employed for brief periods at intervals, and an employee who is expected to work less than 6 months in each year, except an employee having a career-conditional or career appointment, or appointed under Schedule B of Part 213 of this chapter, who is employed under a cooperative work-study program of at least 1 year's duration which requires the employee to be in pay status during not less than one-third of the total time required for completion of the program.

(3) An intermittent employee—a non-full-time employee without a prearranged regular tour of duty.

(4) An employee whose salary, pay, or compensation on an annual basis is $350 a year or less.

(5) A beneficiary or patient employee in a Government hospital or home.

(6) An employee paid on a contract or fee basis.

(7) An employee paid on a piecework basis, except one whose work schedule provides for full-time service or part-time service with a regular tour of duty.

(d) The Commission makes the final determination of the applicability of this section to a specific employee or group of employees.

§ 890.103 Employee appeals.

(a) An employee or annuitant may appeal a refusal of an employing office to permit him to register to enroll, or to change enrollment. The appeal shall be made in writing, within 30 days of the refusal, to the Bureau of Retirement and Insurance, United States Civil Service Commission, Washington, D.C., 20415.

(b) An employee or annuitant may appeal a refusal of the Bureau of Retirement and Insurance to permit him to register to enroll, or to change enrollment. The appeal shall be made in writing, within 90 days of the refusal, to the Board of Appeals and Review, United States Civil Service Commission, Washington, D.C., 20415.

(c) (1) The employing office may make prospective correction of administrative errors as to enrollment at any time.

(2) The Bureau of Retirement and Insurance may order correction of an error, mistake, or omission upon a showing satisfactory to the Bureau that it would be against equity and good conscience not to do so.

(3) The Bureau of Retirement and Insurance may order the termination of an employee's or annuitant's enrollment in a group-practice plan and permit his enrollment in another plan upon a showing satisfactory to the Bureau that the furnishing of adequate medical care is jeopardized by a seriously impaired relationship between patient and the plan's medical staff.

(4) Any limit on benefits provided by a plan to persons confined in a hospital or institution on the effective date of enrollment shall not apply to persons enrolling in the plan pursuant to an order of the Bureau under subparagraph (3) of this paragraph.

(d) The Commission does not adjudicate individual claims for payment or service under health benefits plans, nor does it arbitrate or attempt to compromise disputes between an employee or annuitant and his carrier as to claims for payment or service.

§ 890.104 Legal actions.

An action to compel enrollment of an employee or annuitant not excluded by § 890.102(c) should be brought against the employing office. An action to recover on a claim for health benefits should be brought against the carrier of the health benefits plan. An action to review the legality of the Commission's regulations or a decision made by the Commission should be brought against the United States Civil Service Commissioners, Washington, D.C., 20415.

Subpart B—Health Benefits Plans

§ 890.201 Minimum standards for health benefits plans.

(a) To be qualified to be approved by the Commission, a health benefits plan shall:

(1) Comply with the Federal Employees Health Benefits Act of 1959 and this part, as amended from time to time.

(2) Accept the enrollment, in accordance with this part, and without regard to age, race, sex, health status, or hazardous nature of employment, of each eligible employee and annuitant except that a plan which is sponsored or underwritten by an employee organization may not except the enrollment of a person who is not a member of the organization, but it may not limit membership in the organization on account of these prohibited factors. The carrier may terminate the enrollment of an employee or of an annuitant, other than a survivor annuitant, in a health benefits plan sponsored or underwritten by an employee organization on account of termination of membership in the organization. A comprehensive medical plan need not enroll an employee or annuitant residing outside geographic areas specified by the plan and may terminate the enrollment of an employee or annuitant who moves outside the geographic areas. A carrier who wishes to terminate the enrollment of an employee or annuitant under this subparagraph may do so by notifying the employing office in writing, with a copy of the notice to the employee. The termination is effective at the end of the pay period in which the employing office receives the notice.

(3) Provide health benefits for each enrolled employee and annuitant and covered member of their families wherever they may be.

(4) Provide for conversion to a contract for health benefits regularly offered by the carrier, or an appropriate affiliate, for group conversion purposes, which shall be guaranteed renewable, subject to such amendments as apply to all contracts of this class, except that it may be canceled for fraud, over-insurance, or nonpayment of periodic charges. A carrier shall permit conversion within the time allowed by the temporary extensions of coverage provided under § 890.401 for each employee, annuitant, and member of family entitled to convert. When an employing office gives an employee written notice of his privilege of conversion, the carrier shall permit conversion at any time before (i) 15 days after the date of notice or (ii) 75 days after his enrollment is terminated, whichever is earlier. When the Commission requests an extension of time for conversion because of delayed determination of ineligibility for immediate annuity, the carrier shall permit conversion until the date specified by the Commission in its request for extension. On conversion, the contract becomes effective as of the day following the last day of the temporary extension, and the employee, annuitant, or member of the family as the case may be, shall pay the entire cost thereof directly to the carrier. The nongroup contract may not deny or delay an obstetrical or other benefit covered by the contract for a person converting from a plan approved under this part, except to the extent that benefits are continued under the health benefits plan from which he converts.

(5) Provide that each employee and annuitant who enrolls in the plan receive an identification card or cards or other evidence of his enrollment.

(6) Provide a standard rate structure which contains, for each option, one standard individual rate, and one standard family rate, without geographical or other variations.

(7) Maintain statistical records regarding the plan, separately from those of any other activities conducted or benefits offered by the carrier sponsoring or underwriting the plan.

(8) Provide for a special reserve for the plan. The carrier shall account for amounts retained by it as reserves for the plan separately from reserves maintained by it for other plans. The carrier shall invest the special reserve and income derived from the investment of the special reserve shall be credited to the special reserve. If the contract is terminated or approval of the plan is withdrawn, the carrier shall return the special reserve to the Employees Health

Benefits Fund. However, in the case of a group-practice plan, the carrier, without regard to the foregoing provisions of this subparagraph, shall follow such financial procedures as are mutually agreed on by the carrier and the Commission.

(9) Provide for continued enrollment to the end of the then current pay period for each employee and annuitant enrolled at the effective date of termination of a contract. The carrier is entitled to subscription charges for this continued enrollment.

(b) To be qualified to be approved by the Commission, a health benefits plan shall not:

(1) Deny a covered person a benefit provided by the plan for a service performed on or after the effective date of coverage solely because of a pre-existing physical or mental condition, except that a plan may provide benefits for dentistry or cosmetic surgery, or both, limited to conditions arising after the effective date of coverage; or require a waiting period for any covered person for benefits which it provides, except that a plan, with the approval of the Commission, may limit benefits for services performed for a person, other than a person changing from one plan to another because his health benefits plan is discontinued in whole or part, who, on the effective date of enrollment, is confined in a hospital or other institution, so long as the person is continuously confined therein. In this subparagraph "continuously confined" means one or more periods of confinement without a break of 31 consecutive days between actual confinements, except that a carrier by agreement with the Commission may provide that a shorter break terminates a continuous confinement.

(2) Have more than two options.

(3) Have an initiation, service, enrollment, or other fee or charge in addition to the rate charged for the plan, except that a comprehensive medical plan may impose an additional charge to be paid directly by the employee or annuitant for certain medical supplies and services, if the supplies and services on which additional charges are imposed are clearly set forth in advance and are applicable to all employees and annuitants. This subparagraph does not apply to charges for membership in employee organizations sponsoring or underwriting plans.

§ 890.202 Minimum standards for health benefits carriers.

The Commission shall approve a health benefits plan only when the carrier of the plan meets the requirements of the Federal Employees Health Benefits Act of 1959, as amended, and the following requirements:

(a) It must be lawfully engaged in the business of supplying health benefits.

(b) It must have, in the judgment of the Commission, the financial resources and experience in the field of health benefits to carry out its obligations under the plan.

(c) It must agree to keep such reasonable financial and statistical records and furnish such reasonable financial and statistical reports with respect to the plan as may be requested by the Commission.

(d) It must agree to permit representatives of the Commission and of the General Accounting Office to audit and examine its records and accounts which pertain, directly or indirectly, to the plan at such reasonable times and places as may be designated by the Commission or the General Accounting Office.

(e) It must agree not to advertise a plan approved under the Federal Employees Health Benefits Program, or its participation in the program, to employees, or solicit enrollment of employees, in a plan approved under the program, other than in accordance with the instructions of the Commission.

(f) It must agree to accept, subject to adjustment for error or fraud, in payment of its charges for health benefits for all employees and annuitants enrolled in its plan, the enrollment charges received by the Employees Health Benefits Fund less the amounts set aside for the administrative and contingency reserves prescribed in § 890.503. The Commission will pay over the amounts due each carrier at such times as are agreed on by the carrier and the Commission.

(g) A carrier which is an employee organization must agree to continue coverage, without requirement of membership, of any eligible survivor annuitants of member employees and of annuitants.

§ 890.203 Application for approval of, and proposal of amendments to, health benefits plans.

(a) Application for approval of comprehensive medical plans may be made by letter to the United States Civil Service Commission, Washington, D.C., 20415. Approval of a plan will become effective on a date to be set by the Commission for the plan. An application received less than 6 months in advance of a contract period will not be approved for that contract period.

(b) Any proposal for change in a health benefits plan shall be in writing, specifically describe the change proposed, and be signed by an authorized official of the carrier. The Commission will review a proposal for change and notify the carrier whether it accepts the change and may make a counterproposal or at any time propose changes on its own motion. The Commission will not consider until after the expiration of the then current contract period any proposal for change which is received less than 6 months before the expiration of the then current contract period, except that changes in subscription charges for the ensuing contract period may be proposed not less than 4 months before the expiration of the then current contract period.

§ 890.204 Withdrawal of approval of health benefits plans.

(a) The Commissioners may withdraw their approval of a health benefits plan.

(b) Before withdrawing approval of a plan, the Commissioners shall cause to be sent, by certified mail, a notice to the carrier stating that they intend to withdraw their approval, and giving the reasons therefor. The carrier is entitled to reply in writing within 15 days of its receipt of the notice, stating the reasons why approval should not be withdrawn.

(c) On receipt of the reply, or in the absence of a timely reply, the Commissioners shall set a time and place for hearing. The Commissioners shall conduct the hearing or designate a representative to do so, unless the carrier waives hearing. The carrier shall be given notice thereof, by certified mail, at least 15 days in advance of the hearing. The carrier is entitled to appear by representative and present oral and written evidence and argument in opposition to the proposed action.

(d) The Commissioners shall make their decision on the record and communicate it to the carrier by certified mail. The Commissioners may set a future effective date for withdrawal of their approval.

(e) The Commissioners, in their discretion, may reinstate approval of a plan on a finding that the reasons for withdrawing approval no longer exist.

Subpart C—Registration and Enrollment

§ 890.301 Opportunities to register to enroll and change enrollment.

(a) *Initial registration.* Except as otherwise provided in this part, each employee who becomes eligible shall register within 31 days after becoming eligible.

(b) *Belated registration.* When an employing office determines that an employee was unable, for cause beyond his control, to register to be enrolled or to change his enrollment within the time limits prescribed by this section, that office shall accept his registration within 31 days after it advises him of that determination.

(c) *Re-registration.* An employee whose enrollment was terminated under § 890.304(a)(4), or because he had a break in service of more than 3 days, or because he was furloughed by reason of reduction in force, shall register within 31 days after his return to pay status.

(d) *Open season.* Not less often than once every 3 years, the Commission by regulation shall provide every employee an opportunity for enrollment and change of enrollment, on such terms and conditions as it may prescribe.

(e) *Change in family status.* An enrolled employee or annuitant may register to change his enrollment from self alone to self and family, or from one plan or option to another, or both, and an employee, if registered not to be enrolled, may register to be enrolled, at any time during the period beginning 31 days before a change in marital status and ending 60 days after the change in marital status. An enrolled employee or annuitant may change his enrollment from self alone to self and family within 60 days after any other change in family status.

(f) *Change to self alone.* An employee or annuitant may register at any time to change his enrollment from self and family to self alone. An employee or annuitant who is covered by the enrollment of another under this part may register to be enrolled for self alone

within 31 days after a registration to change the covering enrollment has been filed under authority of this paragraph.

(g) *Loss of coverage under Medicare, under this part, or under Part 891 of this chapter.* An employee who is not enrolled, but is covered by Chapter 55 of title 10, United States Code (referred to in this paragraph as Medicare) or by the enrollment of another under this part or Part 891 of this chapter, may register to be enrolled within 31 days after termination of coverage under Medicare or the other's enrollment, other than because of death or cancellation, and within 60 days after termination, because of death, of Medicare or the other's enrollment. An employee-annuitant who was covered by the enrollment of another under this part and had been covered (including enrollment in his own right) under this part since his first opportunity or for the 5 years immediately preceding his retirement, whichever is shorter, may enroll within 31 days after the termination of his coverage, other than by cancellation.

(h) *Move from area served by comprehensive medical plan.* If a comprehensive plan limits full service to a geographic area, an employee or annuitant enrolled in that plan who moves outside the full service area or, if already living outside the full service area, moves farther from the full service area may register, at any time after the move, to be enrolled in another health benefits plan.

(i) *Termination by employee organization plan.* An employee or annuitant who is enrolled in a health benefits plan sponsored or underwritten by an employee organization and whose membership in the employee organization is terminated, may register, if the plan terminates his enrollment, within 31 days after termination of his enrollment in the employee organization plan, to be enrolled in another health benefits plan. However, the employee or annuitant may not change his enrollment from self alone to self and family.

(j) *Transfer to or from overseas post of duty.* An employee who is transferred from a post of duty within the several States or the District of Columbia to a post of duty outside the several States and the District of Columbia, or the reverse, may register to be enrolled or to change his enrollment with respect to whether his family is covered, or the health benefits plan or option in which he is enrolled, or both, within the period beginning 31 days before the date he leaves the old post of duty and ending 31 days after he arrives at the new post of duty. An annuitant who is eligible to continue health benefits may register to change enrollment with respect to whether his family is covered, or the health benefits plan or option in which enrolled, or both, within 60 days after retirement or the death of the employee on whose service title to annuity is based, if the employee is stationed at a post of duty outside the several States and the District of Columbia at the time of his retirement or death, as the case may be.

(k) *Termination of plan in which enrolled.* If a plan is discontinued in whole or part, each employee and annuitant whose enrollment is thereby terminated may enroll in another plan. If the discontinuance is at the end of a contract period which is immediately preceded by an open season, the time for enrollment is the open season. Otherwise the Commission shall establish, by order, a time for enrollment. Persons who fail to change enrollment within the time set are considered to have cancelled their enrollments, except that if one option of a plan is discontinued, enrolled employees and annuitants who do not change plans will be considered enrolled in the remaining option of the plan.

(l) *On reaching 19.* An employee who is not registered to be enrolled may register to be enrolled within 31 days after he becomes 19 years of age.

(m) *On return from a uniformed service.* An employee who enters on duty in a uniformed service for a period of time not limited to 30 days or less may register to be enrolled or to change his enrollment within 31 days after he is restored to a civilian position pursuant to Part 353 of this chapter or other similar authority; and an annuitant who enters on duty in a uniformed service for a period of time not limited to 30 days or less may register to change his enrollment within 31 days after he is separated from the uniformed service.

(n) *Change in employment status.* If an employee or annuitant is entitled to provide coverage for another by a self-and-family enrollment, but both are enrolled for self alone, he may change his enrollment to self and family within 31 days after the other enrollment is terminated by a change in employment status which results in loss of eligibility.

(o) *Sole survivor.* When an employee or annuitant enrolled for self and family dies, leaving a survivor annuitant who is entitled to continue the enrollment in a health benefits plan, and it is apparent from available records that the survivor annuitant is the sole survivor entitled to continue enrollment in the health benefits plan, the office of the retirement system which is acting as employing office shall change the enrollment from self and family to self alone, effective on the commencing date of annuity for the survivor annuitant. On request of the survivor annuitant made within 31 days after the first installment of annuity is paid, the office of the retirement system which is acting as employing office shall rescind the action retroactive to the effective date of the action, with corresponding adjustment in withholdings and contributions.

(p) *Annuity insufficient to pay withholdings.* If the annuity of an annuitant or of all annuitants in a family is not sufficient to pay the withholdings for the plan in which the annuitants are enrolled, the employing office shall notify the annuitant of the plans available at a cost not in excess of the annuity. The annuitant may register to be enrolled in another plan whose cost is no greater than his annuity.

(q) *Registration by proxy.* In the discretion of the employing office, a representative of the employee or annuitant having a written authorization to do so may register for him.

(r) *Public Law 88-284.* An annuitant who becomes eligible to continue his enrollment by virtue of Public Law 88-284 may register, at any time before December 31, 1964, to be enrolled.

§ 890.302 Coverage of family members.

(a) *Family enrollment.* An employee or annuitant who enrolls for self and family includes in his enrollment all members of his family who are eligible to be covered by his enrollment, but no person may be covered by two enrollments.

(b) *Child incapable of self-support.* When an employee or annuitant enrolls for a family which includes a child incapable of self-support who has become 21 years of age, the employing office shall require the employee or annuitant to submit a certificate of the physician that the child is incapable of self-support because of a physical or mental disability which existed before the child became 21 years of age, and can be expected to continue for more than 1 year. The certificate shall include a statement of the name of the child, the nature of his disability, the period of time it has existed, and its probable future course and duration. The certificate shall be signed by the physician and show his office address. When an employee or annuitant is enrolled for a family which includes a child under 21 years of age who is incapable of self-support because of a physical or mental disability, the employing office shall require the employee or annuitant to submit the certificate on or before the date the child becomes 21 years of age. However, the employing office may accept otherwise satisfactory evidence of incapacity not timely filed.

(c) *Renewal of certificates of incapacity.* The employing office shall require the employee or annuitant who has submitted a certificate of incapacity to renew that certificate on the expiration of the minimum period of disability certified.

(d) *Determination of incapacity.* The employing office shall make determinations of incapacity.

§ 890.303 Continuation of enrollment.

(a) On transfer: Except as otherwise provided by this part, the registration of an employee or annuitant eligible to continue enrollment continues without change when he (1) moves from one employing office to another, without a break in service of more than 3 days, whether the personnel action is designated as a transfer or not, or (2) changes from one employing office to another by reason of reemployment, if he is an annuitant, or by reason of retirement under conditions making him eligible to continue enrollment. For the purpose of this part, an employee is considered to have enrolled at his first opportunity if he registered to be enrolled during the first of the periods set forth in § 890.301 in which he was eligible to register or was covered at that time by the enrollment of another employee, or registered to be enrolled effective not later than December 31, 1964.

(b) Change of enrolled employees to certain excluded positions: Employees

and annuitants enrolled under this part who move, without a break in service or after a separation of 3 days or less, to an employment in which they are excluded by § 890.102(c), continue to be enrolled so long as they are employed full-time, or part-time with a regular tour of duty, unless excluded by subparagraphs (3), (4), (5), (6), or (7) of § 890.102(c).

(c) On death: The enrollment of a deceased employee or annuitant who is enrolled for self and family is transferred automatically to his eligible survivor annuitants. The enrollment is considered to be that of the survivor annuitant from whose annuity all or the greatest portion of the withholding for health benefits is made. It covers members of the family of the deceased employee or annuitant. A remarried spouse is not a member of the family of the deceased employee or annuitant.

(d) Survivor annuitants: If an employee who is entitled to health benefits coverage as a survivor annuitant elects to enroll or to continue to be enrolled under his eligibility as an employee, and is thereafter separated without entitlement to immediate annuity based on his own service, he is entitled to reinstatement of his employee-acquired enrollment on application to his retirement office. Reinstatement is effective immediately after termination if the application is received by the retirement office within 60 days of separation; otherwise reinstatement is effective on the first day of the first pay period after receipt of the application. The retirement office shall withhold from the annuity that the former employee receives as a survivor annuitant, the amounts necessary to pay his share of the cost of the enrollment.

(e) The enrollment of an employee continues without cost to the employee while he is in nonpay status for up to 365 days. The 365 days' nonpay status may be continuous or broken by periods of less than 4 consecutive months in pay status. If an employee has 4 consecutive months in pay status after a period of nonpay status he is entitled to begin the 365 days' continuation of enrollment anew. For the purposes of this paragraph 4 consecutive months in pay status means any four-month period during which the employee is in pay status for at least part of each pay period.

§ 890.304 Termination of enrollment.

(a) *Employees.* An employee's enrollment terminates, subject to the temporary extension of coverage for conversion, at midnight of the earliest of the following dates:

(1) The last day of the pay period in which he is (i) furloughed by reason of reduction in force, or (ii) separated from the service other than by retirement under conditions entitling him to continue his enrollment.

(2) The last day of the pay period in which his employment status changes so that he is excluded from enrollment.

(3) The last day of the pay period in which he dies, unless he leaves a member of the family entitled to continue enrollment as a survivor annuitant.

(4) The day on which the continuation of enrollment under § 890.303(e) expires, or, if he is not entitled to any further continuation because he has not had 4 consecutive months of pay status since exhausting his 365 days' continuation of coverage in nonpay status, the last day of his last pay period in pay status.

(5) The day he is separated, furloughed, or placed on leave of absence in accordance with the provisions of Part 353 of this chapter or other similar authority for the purpose of performing duty not limited to 30 days or less in a uniformed service.

(b) *Annuitants.* (1) If the annuity of an annuitant or of all annuitants in a family is not sufficient to pay the withholdings for the plan in which the annuitants are enrolled, and the annuitant does not, or cannot, elect a plan under § 890.301(p) at a cost to him not in excess of the annuity, the employing office shall terminate the annuitant's enrollment effective as of the end of the last period for which withholding was made. Each annuitant whose enrollment is so terminated is entitled to a 31-day extension of coverage for conversion.

(2) An annuitant's enrollment terminates, subject to the temporary extension of coverage for conversion, at midnight of the last day of the pay period in which he dies, unless he leaves a member of the family entitled to continue enrollment as a survivor annuitant, or, if his enrollment is not terminated by death, at midnight of the earliest of the following dates:

(i) The last day of the last pay period for which he is entitled to annuity, unless he is eligible for continued enrollment as an employee in which case his enrollment continues without change.

(ii) The last day of the pay period in which his title to compensation under the Federal Employees' Compensation Act, as amended, terminates, or in which he is held by the Secretary of Labor to be able to return to duty, unless he is eligible for continued enrollment as an employee or as an annuitant under a retirement system for civilian employees in which case his enrollment continues without change.

(iii) The day he enters on active duty in a uniformed service for the purpose of performing duty not limited to 30 days or less.

(c) *Coverage of members of the family.* The coverage of a member of the family of an enrolled employees or annuitant terminates, subject to the temporary extension of coverage for conversion, at midnight of the earlier of the following dates:

(1) The day on which he ceases to be a member of the family.

(2) The day the employee or annuitant ceases to be enrolled, unless the member is entitled, as a survivor annuitant, to continued enrollment, or is entitled to continued coverage under the enrollment of another.

(d) *Cancellation.* An enrolled employee or annuitant may register to cancel his enrollment at any time by filing with his employing office a properly completed health benefits registration form. The cancellation becomes effective on the last day of the pay period after the pay period in which the health benefits registration form canceling his enrollment is received by his employing office, except that the cancellation of an employee or annuitant having a monthly or 4-weekly pay period becomes effective at the end of the pay period in which the health benefits registration form is received if the form is received not less than 15 days before the end of the pay period. He and the members of his family are not entitled to the temporary extension of coverage for conversion or to convert to an individual contract for health benefits.

§ 890.305 Reinstatement of enrollment after military service.

The enrollment of an employee or annuitant whose enrollment was terminated because he entered on duty in a uniformed service for a period of time not limited to 30 days or less is reinstated automatically on the day the employee is restored to a civilian position pursuant to Part 353 of this chapter or other similar authority or on the day the annuitant is separated from the uniformed service, as the case may be.

§ 890.306 Effective dates.

(a) *Termination of plan.* The effective date of change of enrollment under § 890.301(k) when there is no open season is the first day of the first pay period after the health benefits registration form is received by the employing office.

(b) *Change to self alone.* The effective date of a change of enrollment under § 890.301(f) is the first day of the first pay period after the health benefits registration form is received by the employing office, except that at the request of the employee or annuitant and upon a showing satisfactory to the employing office that there was no family member eligible for coverage by the family enrollment, the change may be made effective as of the first day of the pay period following the one in which there were no family members.

(c) *Annuitant required to change enrollment.* The effective date of an annuitant's change to a lower cost enrollment under § 890.301(p) is immediately upon termination of his prior enrollment.

(d) *Open season.* (1) The effective date of a change of enrollment under § 890.301(d) is the first day of the first pay period beginning on or after November 1 of the year in which the health benefits registration form is received by the employing office.

(2) The effective date of a new enrollment under § 890.301(d) is the first day of the first pay period beginning on or after November 1 of the year in which the health benefits registration form is received by the employing office which follows a pay period in which the employee is in pay status.

(e) *Generally.* The effective date of any other enrollment or change of enrollment is the first day of the first pay period which begins after the health benefits registration form is received by the employing office and which follows a pay period during any part of which the employee or annuitant is in pay or annuity status.

§ 890.307 Waiver or suspension of annuity or compensation.

When annuity or compensation is entirely waived or suspended, the annuitant's enrollment continues for not more than 3 months (not more than 12 weeks for annuitants whose compensation under the Federal Employees' Compensation Act is paid each 4 weeks). When the waiver or suspension expires, the employing office shall make the withholding for the period of suspension or waiver during which enrollment was continued. If the waiver or suspension continues beyond the period during which enrollment is continued by this section, the annuitant's enrollment is terminated, subject to the temporary extension of coverage for conversion, effective at the end of the period of continuation of enrollment provided by this section. If suspension of annuity or compensation is because of employment, the employing office shall make the withholding currently and enrollment continues during employment. An enrollment terminated under this section is reinstated automatically when payment of annuity or compensation is resumed.

Subpart D—Temporary Extension of Coverage and Conversion

§ 890.401 Temporary extension of coverage and conversion.

(a) *Thirty-one day extension and conversion.* An employee or annuitant whose enrollment is terminated other than by cancellation of the enrollment or discontinuance of his plan, in whole or part, and a member of the family whose coverage is terminated other than by cancellation of the enrollment or discontinuance of the plan under which he is covered, in whole or part, is entitled to a 31-day extension of coverage for self alone or self and family, as the case may be, without contributions by the enrolled person or the Government, during which he is entitled to exercise the right of conversion provided for by this part. A change from self and family to self alone operates as a cancellation as to the members of the family. The 31-day extension of coverage and the right of conversion for any person ends on the effective date of a new enrollment under this part which covers the person.

(b) *Continuation of benefits.* (1) Any person who has been granted a 31-day extension of coverage in accordance with paragraph (a) of this section and who is confined in a hospital or other institution for care or treatment on the 31st day of the temporary extension is entitled to continuation of the benefits of the plan during the continuance of the confinement but not beyond the 60th day after the end of the temporary extension.

(2) Any person whose enrollment has been changed from one plan to another, or from one option of a plan to the other option of that plan, unless because of the discontinuance of the plan, in whole or part, and who is confined in a hospital or other institution for care or treatment on the last day of enrollment under the prior plan or option, is entitled to a continuation of the benefits of the prior plan or option during the continuance of the confinement, but not beyond the 91st day after the last day of enrollment in the prior plan or option. The plan or option to which enrollment has been changed shall not pay benefits with respect to that person while that person is entitled to continuance of benefits under the prior plan or option.

§ 890.501 Government contributions.

(a) The Government contributions for all plans, except those for which another contribution is set by paragraph (b) of this section for each enrolled employee who is paid biweekly is as follows:

For an employee enrolled for self alone	$1.30
For an employee enrolled for self and family	3.12

(b) The biweekly Government contribution for each employee or annuitant enrolled in a plan whose total enrollment charge is less than twice the appropriate contribution listed in paragraph (a) of this section is 50 percent of the enrollment charge.

(c) The Government contribution for annuitants and for employees who are not paid biweekly is a percentage of that fixed by paragraphs (a) and (b) of this section proportionate to the length of the pay period, rounding fractions of a cent to the nearest cent.

(d) The Government contribution for employees whose annual salary is paid during a period shorter than 52 workweeks is determined on an annual basis and prorated over the number of installments of pay regularly paid during the year.

(e) The employing office shall not make a contribution for an employee or annuitant for periods for which withholding is not made.

§ 890.502 Employee withholdings.

(a) The employing office shall make the withholding required from enrolled survivor annuitants from the annuity of any surviving spouse. If that annuity is less than the withholding required, the employing office shall make the withholding to the extent necessary from the annuity of the youngest child, and, if necessary, from the annuity of the next older child, in succession, until the withholding is satisfied.

(b) The employing office shall not withhold from an employee who is in nonpay status, or from an annuitant for periods for which he does not receive annuity.

(c) Withholding for employees whose annual salary is paid during a period shorter than 52 workweeks is determined on an annual basis and prorated over the number of installments of pay regularly paid during the year.

§ 890.503 Reserves.

(a) The enrollment charge consists of the rate approved by the Commission for payment to the plan for each employee or annuitant enrolled, plus 4 percent, of which one part is for an administrative reserve and three parts are for a contingency reserve for the plan.

(b) The administrative reserve is credited with the one one-hundred-and-fourth of the enrollment charge set aside for the administrative reserve. The administrative reserve is available for payment of administrative expenses of the Commission incurred under this part, and for such other purposes as may be authorized by law.

(c) (1) [Reserve] (A proposal for this subparagraph was issued as proposed rule-making on June 5, 1964, and is presently under consideration by the Commission.)

(2) When, as of the end of a contract period, the total of all the reserves held by a carrier (other than a group-practice carrier) for the plan amounts to less than the total of the last 5 months' subscription charges paid from the fund to the carrier for the plan, the carrier is entitled to payment from the contingency reserve of the lesser of: An amount equal to the difference between the total of the last 5 months' subscription charges paid from the fund to the carrier for the plan and the total of the reserves held by the carrier for the plan, or an amount equal to the excess, if any, of the contingency reserve over the preferred minimum balance. The Commission shall authorize this payment after receipt of the accounting report for the contract period. The carrier shall credit the amount so paid to the special reserve for the plan.

(3) If a group-practice carrier's contingency reserve exceeds the preferred minimum balance, the carrier may request the Commission to pay a portion of the reserve not greater than the excess of the contingency reserve over the preferred minimum balance. The carrier shall state the reason for the request. The Commission will decide whether to allow the request in whole or in part and will advise the plan of its decision.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-8368; Filed, Aug. 18, 1964; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 50]

ASSISTANT ADMINISTRATOR FOR AFRICA

Delegation of Authority Relating to Construction and Development of Deep Water Wells

1. Pursuant to the authority vested in the Administrator of the Agency for International Development by Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961, as amended, and in accordance with the authority contained in section 635(b) of the Foreign Assistance Act of 1961, as amended, I hereby delegate to the Assistant Administrator for Africa authority to authorize the Director and Deputy Director of USAID/Tunisia to exercise the authorities described in section 206.5 (A)(2) of Regulation 6 with respect to contracts including amendments thereto for the construction and development of 50 deep water wells.

2. This authority may not be redelegated.

3. This delegation of authority shall be effective immediately.

Dated: July 22, 1964.

DAVID E. BELL,
Administrator.

[F.R. Doc. 64-8333; Filed, Aug. 18, 1964; 8:45 a.m.]

[Delegation of Authority No. 51]

PRINCIPAL DIPLOMATIC OFFICER OF THE U.S. IN BURMA

Delegation of Authority With Respect to Administration of A.I.D. Program

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), as amended from time to time, I hereby delegate to the principal diplomatic officer of the United States in Burma, with respect to the administration of the foreign assistance program within the country to which he is accredited, the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations, subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors:

(1) Unpublished Delegation of Authority of January 10, 1955;

(2) Delegation of Authority November 26, 1954, as amended (19 F.R. 8049);

(3) Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid diplomatic officer the authorities delegated to A.I.D. Mission Directors in existing A.I.D. manual orders, regulations (published or otherwise) policy directives, policy determinations, memoranda and other instructions.

This delegation of authority is effective immediately.

Dated: August 10, 1964.

DAVID E. BELL,
Administrator.

[F.R. Doc. 64-8334; Filed, Aug. 18, 1964; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 64-48]

USS SIMON BOLIVAR

Closing of Navigation of James River During Launching

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended, by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of O. C. Rohnke, Rear Admiral, United States Coast Guard, Commander, Fifth Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE JAMES RIVER

Pursuant to the request of the Commandant, Fifth Naval District, Norfolk, Virginia, and under the authority of Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended and Executive Order 10173, as amended, I declare that from 9:00 a.m. e.d.t. until 3:00 p.m. e.d.t. on Saturday the 22d day of August 1964 the following area is a prohibited area and I order that it be closed to any person or vessel due to the launching of the "USS Simon Bolivar" (SSB(N)641):

The water of the James River, Norfolk-Newport News Harbor, Virginia, within the coordinates of Latitude 36 degrees 59 minutes 34 seconds North, Longitude 76 degrees 26 minutes 53 seconds West at the shoreline of Newport News at the foot of 52d Street, Newport News, to a point 500 yards offshore at Latitude 36 degrees 59 minutes 27 seconds North, Longitude 76 degrees 27 minutes 10 seconds West, thence southeasterly to a point Latitude 36 degrees 58 minutes 43 seconds North, Longitude 76 degrees 26 minutes 41 seconds West, 500 yards off the shoreline of Newport News at the foot of 32d Street, Newport News, and thence to a point at Latitude 36 degrees 58 minutes 48 seconds North, Longitude 76 degrees 26 minutes 27 seconds West at Newport News Shipbuilding Pier 8 Light (Light List 2786.5).

This prohibited area will be marked by two special purpose temporary buoys painted with orange and white horizontal bands as shown on the enclosed chart section.

No person or vessel may remain in or enter this prohibited area.

The Captain of the Port, Norfolk-Newport News Area, Virginia shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any state or political subdivision thereof or any Federal Agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended, provides:

"If any owner, agent, master, officer or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or intereferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than $10,000 or imprisoned not more than two years, or both.

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or intereferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000."

Dated: August 11, 1964.

[SEAL] E. J. ROLAND,
Admiral U.S. Coast Guard,
Commandant.

[F.R. Doc. 64-8374; Filed, Aug. 18, 1964; 8:48 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1964 Rev. Supp. No. 4]

NORTH STAR REINSURANCE CORP.

Surety Company Acceptable on Federal Bonds

AUGUST 13, 1964.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6-13.

An underwriting limitation of $269,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1965. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

STATE IN WHICH INCORPORATED, NAME OF COMPANY AND LOCATION OF PRINCIPAL EXECUTIVE OFFICE

New York; North Star Reinsurance Corporation; New York, New York.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-8371; Filed, Aug. 18, 1964; 8:48 a.m.]

[Dept. Circ. 570, 1964 Rev. Supp. No. 5]

NORTHWESTERN NATIONAL CASUALTY CO.

Surety Company Acceptable on Federal Bonds

AUGUST 14, 1964.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $731,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1965. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

STATE IN WHICH INCORPORATED, NAME OF COMPANY AND LOCATION OF PRINCIPAL EXECUTIVE OFFICE

Delaware; Northwestern National Casualty Company; Milwaukee, Wisconsin.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64–8372; Filed, Aug. 18, 1964; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Department of the Army

OFFICE OF CIVIL DEFENSE

Delegations of Authority

REFERENCES: (a) Executive Order 10952, dated July 20, 1961, "Assigning Civil Defense Responsibilities to the Secretary of Defense and Others" (26 F.R. 6577), as amended; (b) Department of Defense Directive 5160.50 "Civil Defense Functions" dated March 31, 1964 (29 F.R. 5017); (c) "Organization and Operation of the Office of Civil Defense Within The Office of the Secretary of the Army and Delegation of Administrative Authorities for Civil Defense Functions," dated April 1, 1964 (29 F.R. 5017).

SECTION 1. *Assistant director of Civil Defense (Management).* Pursuant to the authority to redelegate under references (b) and (c), the Assistant Director of Civil Defense (Management) or, in his absence, the person acting for him, subject to the direction, authority, and control of the Secretary of the Army and the Director of Civil Defense, and in accordance with law, OCD regulations and DOD policies, directives, and instructions, is hereby redelegated such power and authority, including the taking of final action, delegated to the Director of Civil Defense under references (b) and (c) as is required in the administration and operation of the Office of Civil Defense and its subordinate activities with respect to the following described matters:

(a) The employment and general administration of civilian personnel, including, without limitation, administration of oaths connected with employment, and designation, in writing, of officers and employees of OCD to perform this function;

(b) The fixing of rates of pay for wage board employees;

(c) Employee development, training, and incentive awards;

(d) The establishment of advisory committees (this authority cannot be redelegated);

(e) The employment of experts or consultants, or organizations thereof, including stenographic services;

(f) Authorization or approval of overtime or compensatory time off for civilian personnel;

(g) Travel and per diem allowances, including that of officers or employees of, or assigned or detailed to, OCD, temporary duty travel for military personnel assigned, and invitational travel to persons serving OCD without compensation;

(h) The civilian applicant and employee security program and the program for the safeguarding of classified information;

(i) Property management and accountability;

(j) Records management;

(k) Establishment and maintenance of an appropriate publications system for promulgation of regulations, directives, instructions and other reference documents;

(l) Procurement of materials, supplies, equipment and services including, without limitation, those in connection with printing or reproduction, and the making of necessary findings and determinations with respect thereto.

SEC. 2. *Comptroller, Office of Civil Defense.* Pursuant to the authority to redelegate under references (b) and (c), the Comptroller, Office of Civil Defense or, in his absence, the person acting for him, subject to the direction, authority, and control of the Secretary of the Army and the Director of Civil Defense, and in accordance with law, OCD regulations and DOD policies, directives, and instructions, is hereby redelegated such power and authority, including the taking of final action, delegated to the Director of Civil Defense under references (b) and (c) as is required in the administration and operation of the Office of Civil Defense and its subordinate activities with respect to the following described matters:

(a) Establishment and use of Imprest Funds; and bonding of officers and employees of the Office of Civil Defense;

(b) Allotment and control of funds or appropriations made available to the Office of Civil Defense within apportionments, including, without limitation, certification of reports of obligations and preparation of requests for apportionments;

(c) Post auditing and correction of any transaction or agreement of the Office of Civil Defense involving the recipt or payment of funds, including, without limitation, collection of erroneous payments to employees;

(d) Establishment and control of audit, accounting, internal control, fiscal, budgetary, reporting and statistical policies, systems and procedures.

SEC. 3. *Assistant director of Civil Defense (Plans and Operations).* Pursuant to the authority to redelegate under references (b) and (c), the Assistant Director of Civil Defense (Plans and Operations) or, in his absence, the person acting for him, subject to the direction, authority, and control of the Secretary of the Army and the Director of Civil Defense, and in accordance with law, OCD regulations and DOD policies, directives, and instructions, is hereby delegated such power and authority, including the taking of final action, delegated to the Director of Civil Defense under references (b) and (c) as is required in the administration and operation of the Office of Civil Defense and its subordinate activities with respect to the following described matters:

(a) The program for the payment of travel and per diem expenses of students under subsection 201(e) of the Federal Civil Defense Act of 1950, as amended (hereinafter referred to as the Act);

(b) The program for financial contributions for civil defense supplies, equipment and training under subsection 201 (i) of the Act;

(c) The program for financial contributions for civil defense personnel and administrative expenses under section 205 of the Act;

(d) The program for donation and maintenance of radiological defense equipment for civil defense purposes under section 201(h) of the Act;

(e) The program for donation of surplus property for civil defense purposes under subsections 203 (j), (k) and (n) of the Federal Property and Administrative Services Act of 1949, as amended;

The powers and authorities redelegated in this section 3 include, with respect to the matters delegated, without limitation:

(1) The issuing of rules and regulations, and amendments thereto, under the imprinted signature of the Director of Civil Defense and the issuing of manuals and other administrative directives and amendments thereto;

(2) The disposition of matters of compliance and of appeal. Determination of appeals from decisions of Regional Directors shall be issued under the imprinted signature of the Director of Civil Defense.

The powers and authorities herein redelegated shall be exercised consonant with all redelegations to the respective Regional Directors as currently or hereafter in effect.

The authorities and functions herein redelegated cannot be further redelegated. However, without being relieved of his responsibility therefor, the Assistant Director of Civil Defense (Plans and Operations) is authorized to exercise and perform any of his authorities and functions through such personnel in his office as he may designate.

SEC. 4. *Regional directors.* Pursuant to the authority to redelegate under references (b) and (c), each Regional

Director, or, in his absence, the person acting for him, to be exercised and performed with regard to his respective Region, and subject to the direction, authority, and control of the Secretary of the Army and the Director of Civil Defense, and in accordance with DOD policies, directives, and instructions, and Office of Civil Defense regulations, instructions, manuals, and other administrative issuances, is hereby redelegated such power and authority, including the taking of final action, delegated to the Director of Civil Defense under references (b) and (c) as is required in the administration and operation of the Office of Civil Defense and its subordinate activities with respect to the following described matters:

(a) Approval, disapproval, modification or amendment of requests from the States related to financial contributions for civil defense equipment pursuant to section 201(i) of the Federal Civil Defense Act of 1950, as amended;

(b) Approval, disapproval, modification or amendment of requests from the States for financial contributions for civil defense personnel and administrative expenses pursuant to section 205 of the Federal Civil Defense Act of 1950, as amended;

(c) Determination on an individual case basis of Federal surplus property having an original single item acquisition cost of less than fifty thousand dollars ($50,000), which does not so appear in the representative lists of categories of property (presently known as the "U&N" list and contained in the Federal Civil Defense Guide, Part F, Chapter 5, Appendix 3) to be usable and necessary for the civil defense program of a specific proposed donee for the purposes of donation under the Federal Property and Administrative Services Act of 1949, as amended.

(d) Written authorization to donees, on an individual case basis, for the disposal of surplus property, donated for civil defense purposes under the Federal Property and Administrative Services Act of 1949, as amended, and having an original single item acquisition cost of two thousand, five hundred dollars ($2,500) or more bu less than fifty thousand dollars ($50,000), in advance of the time limitations set forth in the Office of Civil Defense Regulations contained in Title 32, Part 1802, Surplus Property, and prescribing the terms and conditions of each such disposal.

The authorities and functions herein redelegated in this section 4 cannot be further redelegated. However, without being relieved of his responsibility therefor, each Regional Director is authorized to exercise and perform any of the above powers and authorities through such personnel of his region as he may in writing designate.

SEC. 5. *Revocations.* The following redelegations heretofore made by the Assistant Secretary of Defense (Civil Defense) are hereby revoked:

(a) Delegation of authority for operation of the program for donation of surplus property for civil defense purposes filed December 22, 1961, 26 F.R. 12305.

(b) Delegation of administrative authority for civil defense functions filed January 30, 1962, 27 F.R. 903–905, as amended at 27 F.R. 5749, 27 F.R. 7686, 27 F.R. 8562–8563.

(c) Delegation of authorities and functions for administration of the civil defense program of contributions and donation of surplus property, filed June 7, 1962, 27 F.R. 5455–5456.

(d) Delegation of authorities and functions for administration of civil defense programs of contributions and of donation of surplus property filed January 4, 1963, 28 F.R. 1684.

SEC. 6. *Further redelegations.* Except as otherwise provided herein or as is limited by law, directive, regulation, or prior delegation, the powers and authorities herein redelegated may be further redelegated in writing. Existing redelegations heretofore made by the Executive Assistant to the Assistant Secretary of Defense (Civil Defense) or by the Comptroller, Office of Civil Defense are hereby continued in effect until modified or revoked by the Assistant Director of Civil Defense (Management) or by the Comptroller, Office of Civil Defense respectively.

WILLIAM P. DURKEE,
Director of Civil Defense.

[F.R. Doc. 64–8336; Filed, Aug. 18, 1964; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 156; California No. 64]

CALIFORNIA

Small Tract Classification; Partial Revocation and Correction

AUGUST 12, 1964.

1. Effective immediately, F.R. Doc. 49–5163, appearing in the issue of June 8, 1949, is hereby revoked as to the following lands:

SAN BERNARDINO MERIDIAN

T. 1 N., R. E., SBM.,
Sec. 10: lots 1, 2, 3, 4, 6.

Containing 25 acres.

2. The public lands affected by this order are hereby restored as of 10:00 a.m., on September 28, 1964 to the operation of the public land laws, subject to any valid and existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

KEITH H. CORRIGALL,
Acting Manager.

[F.R. Doc. 64–8339; Filed, Aug. 18, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ELDORA LIVESTOCK SALES ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
IOWA	
Eldora Livestock Sales, Eldora, Mar. 11, 1957	Eldora Livestock Sales Co., Inc., July 20, 1964.
KANSAS	
Hansen Livestock Auction, Beloit, Mar. 29, 1950	Beloit Livestock Auction, Inc., Apr. 1, 1964.
Pratt Livestock Commission Co., Inc., Pratt, Dec. 4, 1962.	Pratt Livestock Commission Co., Apr. 6, 1964.
LOUISIANA	
Kentwood Stockyard, Inc., Kentwood, Apr. 2, 1959.	South Kentwood Stockyards, Inc., May 21, 1964.
Gordon Stockyard, Inc., Lacassine, June 12, 1957	Lacassine Stockyard, July 1, 1964.
NEW YORK	
Cambridge Valley Live Stock Market, Cambridge, Aug. 16, 1960.	Cambridge Valley Livestock Market, Inc., Jan. 3, 1964.
SOUTH DAKOTA	
Wessington Springs Livestock Auction Co., Inc., Wessington Springs, June 20, 1959.	Westington Springs Live Stock Auction Co., Apr. 4, 1964.
TENNESSEE	
M. H. Davis Livestock Market, Hartsville, May 11, 1959.	Hartsville Livestock Co., Mar. 7, 1964.

Done at Washington, D.C., this 13th day of August 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64–8351; Filed, Aug. 18, 1964; 8:46 a.m.]

LOGAN COUNTY LIVESTOCK AUCTION ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name and location of stockyard—Date of posting

Logan County Livestock Auction, Booneville, Ark., December 16, 1958.

Ogden Sales Barn, Ogden, Iowa, May 18, 1959.

E. V. Wehrheim Sales Pavilion, Webster City, Iowa, May 19, 1959.

Albany Livestock Auction Co., Albany, Oreg., August 16, 1961.

Nacogdoches Auction Co., Nacogdoches, Tex., September 17, 1959.

Antigo Auction Sales, Antigo, Wis., March 1, 1960.

Bancroft Livestock Exchange, Inc., Bancroft, Wis., May 14, 1959.

Farmer's Livestock Exchange, Reeseville, Wis., June 30, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 13th day of August 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-8352; Filed, Aug. 18, 1964; 8:46 a.m.]

Commodity Credit Corporation

DIRECTORS ET AL.

Delegation of Authority With Respect to Certain Activities

General. In order to provide for the execution of certain documents in connection with Commodity Credit Corporation transactions at Agricultural Stabilization and Conservation Service Commodity Offices, and the Agricultural Stabilization and Conservation Service Data Processing Center at Kansas City, Missouri, delegations of authority are provided below, pursuant to authority vested in me by the bylaws of Commodity Credit Corporation.

The authorities herein delegated shall be exercised in conformity with the bylaws, regulations, and programs of Commodity Credit Corporation, and the policies adopted by the Board of Directors of the Corporation.

Delegations—1. *Sight drafts.* The Directors or Acting Directors of the Agricultural Stabilization and Conservation Service Commodity Offices at Evanston, Illinois, Kansas City, Missouri, Minneapolis, Minnesota, and New Orleans, Louisiana, may sign Commodity Credit Corporation sight drafts issued in disbursement of capital funds of Commodity Credit Corporation. This authority may not be redelegated.

2. *Certificates of interest.* (a) The Director or Acting Director of the Agricultural Stabilization and Conservation Service Commodity Office at New Orleans, Louisiana, may sign Commodity Credit Corporation certificates of interest issued to commercial banks participating in the financing of pools of price support loans on Cotton. This authority may not be redelegated.

(b) The Director or Acting Director of the Agricultural Stabilization and Conservation Service Data Processing Center at Kansas City, Missouri, may sign Commodity Credit Corporation certificates of interest issued to commercial banks and other eligible financial institutions participating in the financing of pools of 1964 and subsequent crop year price support loans on commodities other than cotton. This authority may not be redelegated.

3. *Payment-in-kind certificates*—(a) *Export Payment Certificates.* The Directors or Acting Directors of the Agricultural Stabilization and Conservation Service Commodity Offices at Evanston, Illinois, Kansas City, Missouri, Minneapolis, Minnesota, and New Orleans, Louisiana, and other employees of such offices to whom the authority is redelegated in writing by the Director or Acting Director of the respective office, may sign Commodity Credit Corporation export payment certificates issued pursuant to any Commodity Credit Corporation regulation or contract providing for issuance of such certificates.

(b) *Producer Payment-In-Kind Certificates.* The Directors or Acting Directors of the Agricultural Stabilization and Conservation Service Commodity Offices at Evanston, Illinois, Kansas City, Missouri, and New Orleans, Louisiana, and other employees of such offices to whom the authority is redelegated in writing by the Director or Acting Director of the respective office, may sign or countersign Commodity Credit Corporation payment-in-kind certificates issued as balance certificates pursuant to any Commodity Credit Corporation regulation providing for issuance of such certificates to producers.

(c) *Cotton Equalization Payment Certificates.* The Director or Acting Director of the Agricultural Stabilization and Conservation Service Commodity Office at New Orleans, Louisiana, and other employees of such office to whom the authority is redelegated in writing by the Director or Acting Director, may sign or countersign Commodity Credit Corporation cotton equalization payment certificates issued as balance certificates pursuant to the Commodity Credit Corporation 1963-64 Cotton Equalization Program—Payment-In-Kind Regulations.

The Director or Acting Director of the Agricultural Stabilization and Conservation Service Commodity Office at New Orleans, Louisiana, may sign Commodity Credit Corporation cotton equalization payment certificates issued pursuant to any Commodity Credit Corporation regulation providing for issuance of such certificates by the New Orleans Agricultural Stabilization and Conservation Service Commodity Office. This authority may not be redelegated.

4. *Wheat Marketing Certificates.* The Directors or Acting Directors of the Agricultural Stabilization and Conservation Service Commodity Offices at Evanston, Illinois, and Kansas City, Missouri, and the Director or Acting Director of the Agricultural Stabilization and Conservation Service Data Processing Center at Kansas City, Missouri, may sign wheat marketing certificates issued pursuant to any regulation providing for issuance of such certificates by the Commodity Credit Corporation. This authority may not be redelegated.

Redelegations. Redelegations made by Directors or Acting Directors to employees in their respective offices shall remain in full force and effect until revoked by the Director or Acting Director or until the delegate is separated from his position in the office.

Revocation of delegation of authority. Delegation of authority, published May 30, 1964 (28 F.R. 5394) with respect to signing of Commodity Credit Corporation sight drafts, certificates of interest, and payment-in-kind certificates is hereby revoked, except the delegation to the Director or Acting Director of the Agricultural Stabilization and Conservation Service Cotton Products and Export Operations Office at New York, New York, to sign sight drafts issued in disbursement of capital funds of Commodity Credit Corporation shall remain in effect until the office is terminated. All redelegations of authority which were issued pursuant thereto shall remain in effect until revoked in writing by the Director or Acting Director of the respective office or until the delegate is separated from his position in the office.

(Sec. 4, Stat. 1070, as amended, 15 U.S.C. 714b)

Signed at Washington, D.C., on August 13, 1964.

R. P. BEACH,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-8393; Filed, Aug. 18, 1964; 8:50 a.m.]

Office of the Secretary

SOUTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of South Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA

Davison.	Jerauld.
Deuel.	Hutchinson.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 13th day of August 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-8354; Filed, Aug. 18, 1964; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Trade Route No. 17]

U.S. ATLANTIC, GULF AND PACIFIC PORTS/INDONESIA-MALAYSIA

Notice of Conclusions and Determinations Regarding Essentiality and U.S. Flag Service Requirements

Notice is hereby given that on August 11, 1964, the Acting Deputy Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 17 and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 17, as described below, is reaffirmed as an essential foreign Trade Route of the United States:

TRADE ROUTE NO. 17—UNITED STATES ATLANTIC, GULF AND PACIFIC COAST/INDONESIA-MALAYSIA

Between United States Atlantic, Gulf and Pacific Coast ports and ports in Indonesia, Malaysia (Malaya, Singapore, Sarawak and Sabah) and Brunei via Panama Canal and/or Suez Canal.

2. Requirements for United States flag operations are as follows:

Approximate monthly sailings	*Services*
2½-----	United States Atlantic (via Panama Canal) and California/Indonesia-Malaysia and return, including Far East ports;
2-------	United States Gulf (via Panama Canal) and Far East/Indonesia-Malaysia and return over the same general route;
1-------	United States Pacific Northwest via Far East to Indonesia-Malaysia and return via California to United States Pacific Northwest; and
8[1]-----	Round-the-World Eastbound and Westbound serving United States Atlantic and California/Indonesia-Malaysia, originating at United States Atlantic.

[1] These sailings are included in the Round-the-World Westbound and Eastbound services determined to be essential by the Maritime Administrator and do not amend or supersede those determinations.

3. Mariner type ships are suitable for long range operation. Other C-type and Victory-type ships are considered suitable for interim operation only pending replacement due to age. Replacement vessels should be comparable in speed and capacity to the Mariner type ship and should have adequate deep tank capacity.

Dated: August 11, 1964.

By order of the Acting Deputy Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-8337; Filed, Aug. 18, 1964; 8:46 a.m.]

Office of the Secretary

[Dept. Order 15 (Rev.); Organization and Function Supp. (Rev.)]

OFFICE OF BUSINESS ECONOMICS

Organization and Assignment of Functions

This material supersedes the material appearing at 29 F.R. 5407-5408 of April 22, 1964.

SECTION 1. *Purpose.* .01 The purpose of this Organization and Function Supplement is to prescribe the organization and to assign functions within the Office of Business Economics.

SEC. 2. *Organization.* .01 The Office of Business Economics shall consist of the following organization units:

a. Office of the Director—
1. Director,
2. Associate Directors,
3. Deputy Director for Information and Administration,
4. Assistant Director (Chief Statistician),
5. Assistant Director (National Economic Accounts),

b. National Income Division;
c. National Economics Division;
d. Business Structure Division;
e. Current Business Analysis Division;
f. Balance of Payments Division;
g. Regional Economics Division.

SEC. 3. *Functions of the organization units.* .01 The Director formulates policies, develops and coordinates the programs, and directs all operations of the Office of Business Economics.

.02 The two Associate Directors of the Office of Business Economics share with the Director the overall responsibility for determining, planning, and directing the activities of the Office of Business Economics. In addition, they share with the Director prime responsibility for the integrity of all statistics and economic analyses emanating from the Office and for the interpretation, at the top echelons of Government and the business world, of highly complex data relating to the functioning of the national economy.

.03 The Deputy Director for Information and Administration shall participate with the Director and the Associate Directors in the presentation of broad overall programs, plans, policies, and results of the Office; effect published dissemination of complete and balanced reviews and analyses of economic developments; give direction to administrative activities including budget, organization planning, personnel and publications management; and represent the Director in securing administrative services provided to the Office of Business Economics through the staff service officers reporting to the Assistant Secretary for Administration.

.04 The Assistant Director (Chief Statistician) shall be responsible for the investigation, establishment and continuous utilization of pertinent, comprehensive, and valid statistical criteria and advanced mathematical and econometric techniques in the development of statistical measures of economic aggregates basic to the functions of the Office; and for the analytical utilization of these and other data in current economic evaluations.

.05 The Assistant Director (National Economic Accounts) shall be responsible for the adequacy, quality, and extension of the basic economic research conducted by the Office with particular emphasis on national income and product, interindustry sales and purchases, the balance of payments, and other facets of national economic accounting; and serve as the formally designated focal point within the Federal Government for the development and analytical application of the system of national accounts adopted as the Nation's essential economic interpretive mechanism.

.06 The National Income Division shall formulate and analyze the measures of the national income, gross national product and income flow to individuals, and prepare regular reports upon the position of the economy and the tendencies revealed by such data and analysis; compile analytical data on national income by industries and distributive shares indicating the origins and components of income produced, and the flow of production from basic resources to finished products; prepare estimates of income size distribution so as to describe the sources of income of recipients in different income classes, and the use of

funds for taxes, consumption, and savings.

.07 The National Economics Division shall prepare and maintain on as current a basis as possible, estimates of the flows of goods and services from each industry to other industries as well as to final markets in the economy, organized in the form of inter-industry sales and purchases tables to analyze the economic repercussions of changes in final markets, i.e., consumers, investment, foreign trade, and Government, on the industries in the economy and income originating in these industries; and carry on a program of research and developmental studies aimed at the establishment of new essential series of economic data of meaningful analytical content for evaluating the functioning of the domestic economy.

.08 The Business Structure Division shall analyze and report upon the structure of industry, the effect of structural organization upon the economy, and the volume of business operations; provide current and historical data on (1) the structure of production and markets as an aid to expanding aggregate output and demand in the major industries and commodities; (2) the characteristics of the different types of businesses with particular relation to the specific markets for producers' and consumers' goods; (3) the financial organization and performance of business; and (4) changes in the business population by kinds of businesses, including analysis of the movement of firms in and out of particular lines of business; develop monthly and quarterly basic economic series on sales, consumer expenditures, capital expenditures, new and unfilled orders and inventories; and compile data and prepare analyses on business programs, including sales and capital budgets, and on the sources and uses of business funds.

.09 The Current Business Analysis Division shall compile material on significant factors in the current economic situation; conduct a continuing study of current business activity and of the forces contributing to and influencing these movements and provide business with comprehensive analyses, through the Survey of Current Business, of the effects of these forces upon business activity; conduct statistical research for the purpose of assembling for publication all of the current business statistics required for the evaluation of changes in major segments of the economy and for adapting these data to the analyses of the Office and to the use of business; and analyze national and regional economic developments and their relationship to current market trends and tendencies.

.10 The Balance of Payments Division shall compile, analyze, and interpret data on the balance of international payments and international investments of the United States, particularly as to their effect on the functioning of the domestic economy and prepare reports embodying the results of this research; analyze information concerning foreign transactions of the United States Government and arrange with other Government agencies for detailed reports covering their foreign transactions, including financial aid, goods transactions, and inventories, and prepare such data for use in the estimate of the balance of payments and gross national product of the United States; and collaborate with other primary organization units of the Department in the analysis of the international position of other countries and their capacity to utilize effectively and to service American investment capital.

.11 The Regional Economics Division shall develop and maintain measures which reflect the current economic situation in the various regions of the Nation and through which regional economic records can be traced; analyze the factors responsible for geographic differences in the levels of economic activity and for regional variations in rates of economic growth and development; construct a system of regional economic measures that will have optimum flexibility in terms of geographic delineation; conduct a program of regional economic research designed to develop series useful for identifying and evaluating regional economic trends; develop techniques and methods for measuring the geographic impact of major economic occurrences; and provide breakdowns of the significant income data by State, regions, and industrial areas, adapting these data for marketing and other purposes.

SEC. 4. *Field Programs.* .01 The Office of Business Economics shall have the authority and responsibility for the determination of all programs and policies governing its operations in the field. The facilities of the Office of Field Services shall be utilized to carry out the field programs of the Office of Business Economics.

Effective date: August 7, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-8329; Filed, Aug. 18, 1964; 8:45 a.m.]

[Dept. Order 15 (Rev.)]

OFFICE OF BUSINESS ECONOMICS

General Functions

The following order was issued by the Secretary of Commerce on August 7, 1964. This material supersedes the material appearing at 29 F.R. 5406-5407 of April 22, 1964.

SECTION 1. *Purpose.* .01 The purpose of this order is to describe the general functions of the Office of Business Economics.

SEC. 2. *General.* .01 The Office of Business Economics, established by Department Order No. 15, is hereby continued as a primary organization unit of the Department of Commerce.

.02 The Office of Business Economics shall be headed by a Director who shall report and be responsible to the Assistant Secretary of Commerce for Economic Affairs. The Director shall be assisted by two Associate Directors and a Deputy Director for Information and Administration, who shall perform the functions of the Director, upon his designation, during the latter's absence.

SEC. 3. *General functions and objectives.* .01 The Office of Business Economics shall:

a. Provide the business community with basic economic measures of the national economy, including the national income accounts and the balance of international payments, and current analyses of the economic situation and business outlook;

b. Perform general economic research on the functioning of the economy, including cooperative research with business organizations, other Government agencies, and university and research institutions;

c. Develop basic economic and statistical indicators;

d. Provide a basis for policy formulation of the Department with respect to Government operations insofar as they affect economic movements and tendencies;

e. Serve as the central economic research organization of the Department on the functioning of the national economy, and collaborate with other primary organization units which require its economic research and statistical measures in matters within the scope of this order; and

f. Measure and analyze factors affecting regional economic development in the United States.

Effective date: August 7, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-8328; Filed, Aug. 18, 1964; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1303) has been filed by American Cyanamid Company, Berdan Avenue, Wayne, New Jersey, 07470, proposing that § 121.2576 *Unsaturated polyester-styrene copolymer resins* be amended by changing the section heading to "Cross-linked polyester resins," by expanding the definition of the basic resins, and by specifying additional optional adjuvant substances.

Dated: August 13, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-8377; Filed, Aug. 18, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115-2]

CITY OF PIQUA OHIO AND PIQUA NUCLEAR POWER FACILITY

Notice of Issuance of Operating Authorization

Please take notice that no request for formal hearing having been filed following publication of notice of proposed issuance in the FEDERAL REGISTER on July 7, 1964 (29 F.R. 8498), pursuant to § 115.40, 10 CFR Part 115, the Atomic Energy Commission has issued Operating Authorization No. DPRA-2 to City of Piqua, Ohio, to use and operate the Piqua Nuclear Power Facility at powers up to 45.5 megawatts (thermal). The Operating Authorization was issued as set forth in the FEDERAL REGISTER except that a change was made in the technical specifications in sub-paragraph N. 2 c., placing a more stringent requirement on the presence of senior reactor operators at the plant, which requirement is in the direction of insuring greater safety of operation of the reactor.

Dated at Bethesda, Md., this 10th day of August 1964.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 64-8321; Filed, Aug. 18, 1964; 8:45 a.m.]

[Docket No. 50-87]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Facility License Amendment

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on July 22, 1964, 29 F.R. 9847, the Atomic Energy Commission has issued Amendment No. 6 to Facility License No. CX-11. The amendment (1) extends the expiration date of the license from July 3, 1967, to September 30, 1968, and (2) authorizes Westinghouse Electric Corporation to operate the CES facility located near Waltz Mill in Westmoreland County, Pennsylvania at a maximum power level of 10 kilowatts thermal instead of the previously authorized 100 watts. The amendment was requested by the licensee in an application for license amendment dated October 21, 1963, and the supplements thereto dated June 8, 1964, and July 20, 1964.

The license amendment, as issued, is substantially as set forth in the notice of proposed action cited above.

Dated at Bethesda, Md., this 7th day of August 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-8322; Filed, Aug. 18, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15459; Order E-21186]

PACIFIC NORTHWEST-SOUTHWEST SERVICE

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of August 1964.

The Board recently announced that it intended to institute an investigation covering the possible need for single-carrier service between the Pacific Northwest and the Southwest, pointing out that these two large sections of the country constitute the one remaining major service area lacking single-carrier service.[1] The Board in several recent proceedings has reviewed air transportation within these two sections, or areas, but no consideration has been given to the possible need for single-carrier service connecting the two areas, or the possible realignment of routes between each area and Denver and Salt Lake City.

We believe that the time is now ripe for a full exploration of the long-haul air transportation needs of the Pacific Northwest-Southwest service area. At the present time, a large amount of Pacific Northwest-Southwest traffic is compelled to use circuitous routings to reach its destination. For example, the O&D traffic moving between the major hubs in the northwest and southwest for the calendar year 1962 was 460,000 passengers, or in excess of 630 O&D passengers per day in each direction.[2] In this same year, the southwest area, including Dallas, Fort Worth, San Antonio, Houston and New Orleans, exchanged 207,000 O&D passengers with Denver and points in the northwest, with 139,000 of these, or 381 passengers per day, originating in or destined for the Portland/Seattle area. Over 70 percent of this latter traffic, however, used routings requiring connections in California rather than the more direct routing through Denver. Although the California circuity in the Dallas-Portland and Dallas-Seattle markets is 27 and 31 percent, respectively, the availability of coach services and the time savings of the existing circuitous connecting service via California remains more advantageous to the traveler than first class service only via the limited existing interchange operations or the more time consuming two-carrier connecting service at Denver.[3] For example, California connections provide a fare savings of $18.80 and an elapsed travel time 3½ hours shorter. There is no Denver connecting service with less than a two-hour stopover.

A similar unfavorable situation exists in the St. Louis/Kansas City-Denver/Northwest markets. For example, no single-carrier service is authorized between St. Louis and Denver, or points beyond in the northwest area, and yet in 1962, St. Louis exchanged 16,000 and 9,000 O&D passengers with Denver and Seattle/Portland, respectively. Denver passengers are presently compelled to use the Braniff-Continental interchange via Kansas City and this service is limited to a single daily round trip, first class only, with Viscount equipment, while the Seattle/Portland traffic must rely on connections at Denver in addition to the interchange.

Because of the substantial volume of traffic moving between the northwest and the southwest, the lack of single-carrier service or adequate connecting service via the shortest routing with the resultant inconvenience to the traveling public, and the dilution of carrier revenues, the need for an investigation of the area's air transportation requirements is apparent.

Obviously, the northwest-southwest service area encompasses a large portion of the country and some geographical and service limitations must be imposed in this investigation to keep the proceeding within manageable proportions. Therefore, to limit the investigation to the more critical areas we have adopted the following geographical boundaries: the northwest shall include the states of Washington, Oregon, Idaho, Wyoming, Utah, and that portion of Colorado northwest of Denver; the southwest shall include the portion of Colorado southeast of Denver, New Mexico, Kansas, Oklahoma, Texas, Louisiana, and the cities of Kansas City and St. Louis, Mo. Although our main emphasis will be on proposals for single-carrier service to the major traffic-generating cities within the area of investigation, including the terminals specified above, we shall consider new or improved single-carrier, long-haul service to other points lying within the determined geographical boundaries.

The basic purpose of this investigation is to determine the need for long-haul, single-carrier service between major northwest terminals, on the one hand, and major southwest terminals and the cities of Kansas City, and St. Louis, on the other hand.[4] In addition, we are concerned with the issue of improved long-haul, single-carrier Denver and Salt Lake City service. On the other land, we see no need at this time to consider issues of new or improved service between the southwest area and the cities of St. Louis and Kansas City, nor do we find it necessary to consider issues of new Denver turnaround service.

In order to accomplish our objectives and establish restrictions under which this case will be processed, we have isolated from the geographical area set forth above four groups of major points which will serve as focal points in this

[1] Press Release C.A.B. 64-31, March 20, 1964.

[2] This is only true origination and destination traffic. There is a much greater potential and a substantially larger traffic flow available when connecting traffic, to both points within the area and points outside of the area, is added.

[3] Since the basic fare is the same whether the passenger moves over Denver or California, there is a substantial dilution in passenger-mile yield for the carriers participating in the longer California routings.

[4] The cities of Houston, St. Louis, San Antonio, and Seattle/Tacoma have filed with the Board applications seeking new or improved service along these lines (Dockets 13147, 15177, 15200 and 15260).

investigation: Group I—the cities of Seattle and Portland; Group II—the cities of Denver and Salt Lake City; Group III—the cities of St. Louis and Kansas City; and Group IV—the cities of Dallas, Fort Worth, Houston, San Antonio and New Orleans. We shall, of course, consider new or improved service to other points lying within the geographical boundaries set out above.

Consistent with our objectives, we have further decided that any award granted as a result of this proceeding shall be made subject to the following conditions: (1) No flight may originate or terminate in the cities named in Group II; and (2) at least one city in at least two groups must be served on all flights; except that no new through service will be permitted between Groups III and IV described above. These restrictions will insure the type of long-haul service we have in mind should a need for such service be found.[5]

In addition to the litigation of the long-haul, single-carrier service discussed above, this proceeding must also encompass the related issue of termination of existing interchange agreements covering services within the area of investigation. At the present time there are three domestic interchanges which fall wholly within the service area in question. They are: (1) Seattle-Tulsa via Denver (Continental-United); (2) St. Louis-Denver via Kansas City (Continental-Braniff); and (3) Dallas-Seattle via Denver (Braniff-United). Since these two-carrier services fall wholly within the area in issue, it is appropriate to consider the feasibility of substituting single-carrier services and terminating our approval of the two-carrier agreements.

The proceeding as formulated will not include, of course, any issues as to service to and from overseas or foreign points, or to and from domestic points outside the prescribed area of investigation. However, this restriction will not preclude any carrier applicant from offering into evidence beyond area traffic in support of its application. Also, the restrictions we are imposing as to the issues are without prejudice to any party or parties to advance, during the course of the proceeding, appropriate evidence and argument bearing on the need for more stringent restrictions or limitations. Such evidence and argument should aid us in imposing appropriate limitations at the time of decision on services to be operated under authority which may be granted in this case.

There are presently on file with the Board numerous carrier and civic applications seeking, in whole or in part, new or improved service authorizations within the specific service area in question. To the extent that these pending applications or parts thereof conform to the scope of the proceeding as outlined above, motions to consolidate which are filed within the time limit hereinafter established will be granted, unless grounds exist for the dismissal or denial of such motions to consolidate.[6] Interested applicants, of course, may file amended or additional applications consistent with the scope of the investigation within the time for filing as hereinafter established. However, in the event new or amended applications for new or additional routes consistent with the scope of this case are filed, each applicant should file one new composite application covering clearly and specifically all of the relief sought in this proceeding. This procedure will obviate the confusion resulting from the consolidation of several separately-filed applications or portions thereof and will assist the parties, the Examiner, and the Board in analyzing and considering the precise proposals of each applicant.

In setting down this proceeding with the restrictions outlined above the Board believes this will avoid an unnecessarily protracted proceeding, which will at the same time be consistent with the necessary standards of due process and the overall public interest. Of course, each party to this proceeding will have the opportunity to establish on the record mutual exclusivity with respect to any application not included for consideration in this case.

Accordingly, it is ordered:

1. That an investigation designated the Pacific Northwest-Southwest Service Investigation, be and hereby is instituted in Docket 15459 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the addition, alteration, amendment, or modification of carrier authorizations so as to provide long-haul, single-carrier service between the Pacific Northwest (Washington, Oregon, Idaho, Wyoming, Utah and Northwest Colorado), on the one hand, and the Southwest (Southeast Colorado, New Mexico, Kansas, Oklahoma, Texas, Louisiana, and the cities of Kansas City and St. Louis, Mo.), on the other hand;

2. That the issue of termination of any or all of the following interchange agreements be and is hereby included in this proceeding: Continental-United (Docket 5828, Order E–7556), Continental-Braniff (Docket 4926, Order E–5778), and Braniff-United (Docket 5827, Order E–7555);

3. That any awards made as a result of this proceeding shall be subject to the following restrictions:

(a) No flights may originate or terminate in Denver or Salt Lake City;

(b) At least one city in at least two groups of cities (described on page 3 of this order) must be served on all flights except that there shall be no new single-carrier service between cities in Group III and cities in Group IV (described on page 3 of this order);

4. That the limitations and restrictions provided in ordering paragraph 3 above, are without prejudice to any party to advance during the course of the proceeding appropriate evidence or argument bearing on the need for more stringent restrictions or limitations;

5. That motions to consolidate applications, motions or petitions seeking modification or reconsideration of this order, and petitions for leave to intervene be filed no later than 20 days after issuance of this order; and that answers to such pleadings be filed no later than 10 days thereafter;

6. That this proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated;

7. That a copy of this order be served upon American Airlines, Inc., Braniff International Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., which are hereby made parties to the investigation instituted herein;

8. That a copy of this order also be served upon the cities of Houston and San Antonio, Tex., St. Louis, Mo., and Seattle and Tacoma, Wash.; and

9. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–8379; Filed, Aug. 18, 1964; 8:48 a.m.]

[Docket No. 14945; Order E–21190]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of August 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 1–2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers, names additional specific commodity rates as follows:

Item 5276—Ceramic Reliefs (Dutch Tiles). Rate: 55 cents per kilogram, minimum weight 500 kilograms, from Vienna to New York.

Item 1052—Calves, less than one month old, in containers. Rate: 90 cents per kilogram, minimum weight 500 kilograms, from New York to Milan/Rome.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does

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[5] This procedure is similar to the one followed by the Board in the Southwest-Northeast Service Case, 22 C.A.B. 52 (1955). See Order E–7804, October 8, 1953 (p. 2, Mimeo).

[6] Several carrier applications include requests for additional single-carrier authority between the northwest and Miami. However, we have not included in this proceeding the issue of new single-carrier service between these two areas. During the year ended September 30, 1963, Seattle exchanged approximately 14 passengers per day with Miami, and Portland exchanged approximately 5 passengers per day with Miami. Northwest is authorized to provide single-plane service between these points, and the current service needs can be met by that carrier.

not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered:

That Agreement C.A.B. 17868, R–3 and R–5, is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–8380; Filed, Aug. 18, 1964; 8:48 a.m.]

[Docket 15455; Order E–21185]

AIR TRAFFIC CONFERENCE OF AMERICA

Agreement Among Members Relating to Travel Agents; Order Deferring Action on Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of August 1964.

The members of the Air Traffic Conference of America (ATC) have filed with the Board under section 412 of the Federal Aviation Act of 1958, as amended (the Act), an agreement which limits in certain respects the permissible activities of agents appointed by such members for the sale of passenger air transportation.[1]

Specifically, a provision in the ATC Agency Resolution has been revised to read: [2]

> The Agent shall exercise the authority granted by this Agreement, and represent itself as an agent of the Carrier, only at [or through] such places of business operated by the Agent as are included from time to time on the ATC Agency List maintained pursuant to the ATC Agency Resolution. *The Agent shall not pay directly or indirectly any portion of the salary or expenses of any person regularly located on the premises of a customer, the duties of which person include the making of airline reservations or the preparation, validation, or delivery of airline tickets:* Provided, *That nothing herein shall be deemed to preclude inclusion on the ATC Agency List of any place of business directly accessible to the general public which is rented by the Agent in a building containing rentable space available to other tenants and which is located within a public area.*

Also, in connection with the foregoing, the following new provision has been added to the ATC Sales Agency Agreement:

> I. "Open to the Public": No place of business shall be deemed to be "open to the public", as required by this Resolution, if it is located on the premises of a customer, unless such location is directly accessible to the general public, is rented by the Agent (or applicant) in a building containing rentable space available to other tenants, and is located within a public area.

It may be noted that certain activities conducted by Fugazy Travel Bureau, Inc. (Fugazy) on the premises of commercial customers, i.e., "in-plant" operations, resulted in action by ATC in March, 1963, to cancel approval of the agent's branch location at Beverly Hills, Calif., and to suspend approval of its location at Dallas, Tex. Subsequently, Fugazy requested arbitration of the matter, and in March, 1964 a Board of Arbitrators ruled that the questioned in-plant activities of Fugazy did not violate specified sections of the ATC Sales Agency Agreement [3] and, accordingly, directed that the action taken by ATC be rescinded.

On April 16, 1964, the members of ATC filed a memorandum [4] stating that the proposed amendments simply reflect "clarification" of a long-standing principle that an agent, having been authorized to act as agent for ATC carriers at one or more locations specifically approved by ATC, cannot station employees at some other location to handle any part of a ticketing transaction.[5] According to the carriers, the Fugazy arbitrators' decision made meaningless the provisions of the Agency Resolution under which ATC approves or disapproves branch locations, since the decision says, in effect, that an approved agent may open an office, or what the ordinary customer would think to be an office, anywhere and everywhere.[6] The carriers state that the new rules are substantially the same as those contained in a resolution which prohibits the members of ATC from stationing their own personnel on the customer's premises or reimbursing the customer or its employees in any way for services rendered.[7]

The carriers argue that commission payments to agents for transportation sold at in-plant locations is higher than the cost of servicing such accounts through direct ticketing methods now used by the carriers, such as (1) "write your own", "block-ticketing" and "tickets by mail" procedures, (2) airline city ticket offices, (3) airport ticket offices and (4) teleticketing. Thus, it is claimed that whenever the agent diverts a volume commercial customer from direct booking with the airlines to bookings through an agent, the airlines suffer increased costs. The carriers also indicate their belief that if the amendments are disapproved it may become necessary for them to repeal their own self-imposed restriction against in-plant locations, thereby causing an uneconomic and wasteful competitive race to gain the sales advantage accruing to in-plant locations.[8] Furthermore, they believe that the unbridled use of in-plant locations by agents and airlines and the attendant unnecessary costs will ultimately cause an increase in passenger fares. It is also alleged that "the maintenance of an 'in-plant' location, particularly by an agent, can readily open channels for surreptitious rebate to the volume user, through such devices * * * as 'rental allowances' * * * for the space occupied, or reimbursement of the customer for 'services' allegedly performed by its employees." [9] Likewise, injection of the agent as a middleman, between the carrier and the volume commercial account will result, according to the carriers, in a diminution of airline competition. Finally, the carriers note that the decision to adopt measures which discourage intermediary selling, and encourage direct selling, to volume commercial users is primarily one for airline managements, in the light of their analyses of merchandising factors, including ascertainable costs and less tangible factors.

Statements in opposition to the agreement have been received from the American Society of Travel Agents (ASTA), Fugazy Travel Bureau, Inc. ((Fugazy), Don Travel Service, Inc. (Don) and

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[1] The agreement was filed on April 3, 1964, for effectiveness upon approval by the Board.

[2] Language deleted is shown in brackets; new language is italicized.

[3] The Award of Arbitration states in part: "But what meaning is to be given '* * * or through * * *?' Obviously it means something different from 'at' since it is stated disjunctively. If it is not 'at', it must be somewhere else. Reasonably this means the authority is being exercised 'through' the authorized location because all activities are keyed to the preparation of the tickets from ticket stock on hand at the authorized location. Thus, unless an elliptical reading were given the phrase 'or through', we must conclude that activities relative to the sale of tickets were permitted away from the approved location."

[4] The memorandum was submitted by ATC on behalf of twenty-nine carriers, pursuant to the provisions of Part 263 of the Board's Economic Regulations.

[5] The carriers' note: "If the Agent stations an employee at a place of business—such as a desk on the customer's premises—not included on the ATC Agency List, and the employee does any of such things with respect to domestic air travel as making reservations, writing up or validating tickets, delivering tickets to customers, or receiving payment for tickets, the Agent is regarded as violating the Sales Agency Agreement by operating at 'an unauthorized Agency location.'"

[6] The carriers point out that in-plant locations do not meet the requirement of the Agency Resolution that an agent's office be "open to the public", a requirement sustained in several arbitration proceedings.

[7] ATC Resolution No. 5.100, Agreement CAB 13743 approved February 20, 1961, by Order E–16407.

[8] ATC cites other resolutions from which carrier withdrawal could occur to meet the diversion of commercial accounts to agents:

1. Resolution 20.50—prohibits members, but not agents, from making free delivery of tickets.

2. Resolution 40.40—prohibits members from providing free phone service from airline offices to customers' offices.

3. Resolution 5.90—insofar as it prohibits members from paying teletype receiver installation and monthly service charges now paid by customers.

[9] Of course, if this be a real concern of the carriers, they could proscribe such transactions where travel agents provide in-plant service. Thus, the problem of illegal indirect rebates could be obviated.

various business corporations presently receiving in-plant service.[10]

The comments of such persons, viewed collectively, indicate, inter alia, the belief that the agreement will restrain the trade of and cause considerable financial loss to travel agents; that commercial customers will be denied a freedom of choice in deciding the manner and means of meeting their travel requirements and will lose the benefits of economy and efficiency that in-plant services provide; and that the proposed restrictions are repugnant to antitrust principles. The objectors also contest the claim of the carriers that they can serve commercial accounts at less cost than that represented by their agency commission expense, and contend that in-plant locations would result in healthy, not wasteful competition. Essentially, they regard the rules as an effort to reserve commercial accounts for the airlines at the expense of the agent.

On June 4, 1964, the ATC carriers mentioned above filed a petition responding to the allegations of those opposing approval of the agreement, emphasizing particularly that it costs less to ticket through an airline than through an agent. The petition requests that the matter be resolved promptly by the Board, and that the decisional processes include oral argument if the Board deems it desirable and feasible.

Although the filings to date contain much information and illuminate the conflicting policy considerations inherent in the instant resolution, we believe additional information is needed before we can resolve the matter. Consequently, we have decided to defer action on the resolution and provide a further period of 30 days to afford interested persons an opportunity to submit the information requested below and such additional comments as they deem appropriate.

First, as to the air carrier members of ATC, the following data should be submitted:

(1) The names of all travel agents having in-plant facilities and the locations of such facilities;

(2) The names of air carriers which have appointed the travel agents enumerated in Item 1;

(3) For each of the last three calendar years and for the first six months of 1964, the dollar amount of sales, actual or estimated, ticketed by ATC agents at each of the facilities listed in Item 1. If an estimate is submitted, explain the basis for such estimate;

(4) For the last six months of 1964 and for each of the next three calendar years, an estimate of the dollar amount of passenger air transportation which would be sold at in-plant facilities if the instant resolution is not approved;

(5) A description of the instances in which agents were dissuaded by ATC or its member carriers from establishing in-plant facilities, including the sites of the proposed facilities, the names of the travel agents and those of the carriers who participated in the discussions pertaining to the proposed facilities; and

(6) The names of any air carriers which have in-plant facilities, the sites of such facilities and the amount of revenue generated by each such facility.

Turning to the travel agents and ASTA, the following would be desirable:

(1) The names of all travel agents having in-plant facilities and the locations of such facilities;

(2) For each of the past three calendar years and for the first six months of 1964, for each in-plant facility:

(a) the dollar amount of sales of air transportation for the account of the customer;

(b) the dollar amount of sales of air transportation for the account of individuals; and

(c) the total sales of air transportation by the agent at all of its locations and facilities;

(3) For the last six months of 1964 and for each of the next three calendar years, an estimate of the dollar amount of passenger air transportation which would be sold at in-plant facilities if the instant resolution is not approved;

(4) A description of all activities conducted at in-plant facilities, including any design specifically to generate vacation and pleasure travel; and

(5) Copies of any contracts between travel agents and customers pursuant to which an in-plant facility has been established.

Lastly, from those companies which have in-plant facilities or have considered contracting for such service, the following information would be helpful in passing on the instant resolution:

(1) A statement describing how an agent is selected to operate an in-plant facility;

(2) An explanation of why it is advantageous for the company to have an in-plant facility located on the premises. For example, indicate the benefits expected to result from such location in terms of improved service and cost reduction;

(3) The deficiencies, if any, in the sales services offered by the individual carriers in the past; and

(4) Data indicating the use by the company of air transportation for a two-year period immediately preceding introduction of an in-plant facility and for the same period subsequent to the introduction of such facility. Explain to what extent the increase in use of air transportation, if any, is attributable to the in-plant facility rather than to normal growth in the use of air transportation.

Accordingly, it is ordered,

1. That further action on Agreement CAB 5044–A102 be and it hereby is deferred; and

2. That any interested person desiring to file comments with respect to the matters discussed in this order shall file such comments within 30 days of the date of service of this order. Such filings shall conform to the general requirements of the Board's rules of practice in Economic Proceedings, and should be submitted in triplicate to the Board's Docket Section.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–8346; Filed, Aug. 18, 1964; 8:46 a.m.]

[10] Letters have been received directly from General Electric Co., Joseph E. Seagram & Sons, Inc., Underwood Corp., and The Singer Co. In addition, Fugazy forwarded letters from Allied Purchasing Corp., G.T. & E. Service Corp., United States Rubber Co. and Westinghouse Electric International Co.

[Docket 15446]

LUFTHANSA GERMAN AIRLINES

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference is assigned to be held on the above-entitled application on August 25, 1964, at 10:00 a.m. (e.d.s.t.), in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., August 14, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64–8347; Filed, Aug. 18, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15374–15376; FCC 64M–779]

KTIV TELEVISION CO. (KTIV) ET AL.

Order Continuing Hearing

In re applications of KTIV Television Company (KTIV), Sioux City, Iowa, Docket No. 15374, File No. BPCT–3127, for construction permit to make changes in the facilities of Television Broadcast Station KTIV; Peoples Broadcasting Corporation (KVTV), Sioux City, Iowa, Docket No. 15375, File No. BPCT–3128, for construction permit to make changes in the facilities of Television Broadcast Station KVTV; Central Broadcasting Company (WHO–TV), Des Moines, Iowa, Docket No. 15376, File No. BPCT–3138, for construction permit to make changes in the facilities of Television Broadcast Station WHO–TV.

On behalf of the applicants, verbal request has been made that the exchange dates for further exhibits be extended from September 8 to September 10, 1964, and, that the hearing herein now scheduled to resume on September 21, 1964, be rescheduled for September 23, 1964;

It appearing, that good cause exists why said request should be granted and counsel for Peoples Broadcasting Corporation (KVTV) states that counsel for Northwest Television Company (KQTV) and the Broadcast Bureau, the other parties herein, have acceded to said request:

Accordingly, It is ordered, This 13th day of August 1964, that the request is granted, and that the date for the exchange of further exhibits shall be on or before September 10, 1964 in lieu

of September 8, 1964; and, that the hearing herein scheduled to resume on September 21, 1964 be and the same is rescheduled for September 23, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: August 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-8382; Filed, Aug. 18, 1964; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[No. 1196]

DEL MAR SHIPPING CORP. Application for Freight Forwarding License

On November 15, 1962, pursuant to section 44 of the Shipping Act, 1916 (Public Law 87-254, 46 U.S.C. 841(b)), Del Mar Shipping Corporation, 354 South Spring Street, Los Angeles, California, filed application for a license as an independent ocean freight forwarder. After consideration of the application, the Commission notified Del Mar Shipping Corporation by letter of January 28, 1964, that it intended to deny the application for a license because of the fact that Robert L. Waldeck, owner of Overseas Operations, Inc., an exporter, is a stockholder and officer of Del Mar Shipping Corporation, and therefore, could not qualify for licensing within the statutory definition of "independent ocean freight forwarder". The applicant has now requested the opportunity to show at a hearing that denial of the application would not be warranted.

Therefore it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841(b)), that a proceeding is hereby instituted to determine whether the applicant qualifies for a license within the meaning of First Section (46 U.S.C. 801) of the Shipping Act, 1916.

It is further ordered, That Del Mar Shipping Corporation be made respondent in this proceeding and the matter assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondent, Del Mar Shipping Corporation.

It is further ordered, That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, with copy to respondent, on or before August 31, 1964, and;

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-8340; Filed, Aug. 18, 1964; 8:46 a.m.]

FEDERAL NEW ZEALAND LINES ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Federal New Zealand Lines, Shaw Savill & Albion Co., Ltd., Port and Associated Lines, Blue Star Line Ltd.

Notice of agreement filed for approval by:

Kirlin, Campbell & Keating, 120 Broadway, New York 5, N.Y.

Agreement No. 8535-3 between Federal New Zealand Lines, Shaw Savill & Albion Co., Ltd., Port and Associated Lines, and Blue Star Line Ltd., amends Article 1 of Agreement No. 8535 by expanding the range of ports served under the agreement to include ports in the Pacific Islands and all ports of the United States (excluding Pacific Coast ports and Hawaii), Puerto Rico, Virgin Islands, Panama Canal and inland points of the United States. Article 1 of the original Agreement No. 8535 provides service only from ports in the Dominion of New Zealand to ports on the East Coast of the United States, and ports in the Gulf of Mexico and the Panama Canal Zone.

Dated: August 14, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-8341; Filed, Aug. 18, 1964; 8:46 a.m.]

MARSEILLES NORTH ATLANTIC U.S.A. FREIGHT POOL AGREEMENT

Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

G. Retournat, Secretary, 72, Rue de la Republique, Marseilles 2, France.

Agreement 9361 between the member lines of the Marseilles North Atlantic U.S.A. Freight Conference, Agreement 5660, provides: (1) For the establishment of a freight pool which includes freight on all cargo with certain exceptions set forth in the agreement and covers cargo moving in the Conference trade either by direct call or by transhipment from Marseilles; (2) for a pool period which will cover a calendar year for accounting purposes; (3) that freight rates and charges credited to the pool fund shall be those charged and collected by the parties in accordance with the tariff of rates on file with the Commission; (4) for the gross freight revenues to be divided among the lines in accordance with certain percentages set forth in the agreement with provision made for overcarriage and undercarriage by the lines; (5) that each member line undertakes to maintain a minimum number of loading and discharging calls at certain ports in the trade, and (6) that the agreement is subject to the approval of the Federal Maritime Commission and shall remain in effect until December 31, 1966 after which it will be automatically extended for one year at a time.

Dated: August 13, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-8342; Filed, Aug. 18, 1964; 8:46 a.m.]

[Docket No. 1197]

STEVENS SHIPPING CO.

Application for Freight Forwarding License

On January 9, 1962, pursuant to section 44 of the Shipping Act, 1916 (Public Law 87–254, 46 U.S.C. 841(b)), Stevens Shipping Company, 26 East Bay Street, Savannah, Ga., filed application for a license as an independent ocean freight forwarder. After consideration of the application, the Managing Director notified Stevens Shipping Company by letter dated June 15, 1964, that it intended to deny its application for a license because of its affiliation with Savannah Sugar Refining Corporation, a purchaser and seller of shipments to foreign countries. It, therefore, could not qualify for licensing within the statutory definition of "independent ocean freight forwarder." The applicant has now requested the opportunity to show at a hearing that denial of the application would not be warranted.

Therefore it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841(b)), that a proceeding is hereby instituted to determine whether the applicant qualifies for a license within the meaning of First Section (46 U.S.C. 801) of the Shipping Act, 1916.

It is further ordered, That Stevens Shipping Company be made respondent in this proceeding and the matter assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondent, Stevens Shipping Company.

It is further ordered, That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, with copy to respondent, on or before August 31, 1964, and;

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 64–8343; Filed, Aug. 18, 1964; 8:46 a.m.]

WALLENIUS LINE

Notice of a Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the proposed contract form and of the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of a proposed form of dual rate contract and a petition filed by:

Alan F. Wohlstetter, Esq., Denning & Wohlstetter, One Farragut Square South, Washington, D.C., 20006.

There has been filed on behalf of the Wallenius Line a proposed form of dual rate contract and a petition for permission to institute a dual rate system for the carriage of automobiles, trucks and miscellaneous four-wheeled vehicles in the trade between U.S. North Atlantic and Great Lakes Ports and ports in Canada on the one hand and, on the other hand, ports in such points and places as may be agreed upon between the individual exporter or importer and the carrier when the contract is executed.

Dated: August 13, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64–8344; Filed, Aug. 18, 1964; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–16760, etc.]

SINCLAIR OIL & GAS CO. ET AL.

Order Severing and Terminating Proceedings; Correction

July 30, 1964.

In the Order Severing and Terminating Proceedings, issued July 22, 1964 and published in the FEDERAL REGISTER July 29, 1964 (F.R. Doc. 64–7486; 29 F.R. 10535); change Docket No. "CI63–21" to read Docket No. "CI63–221" in ordering paragraph (A).

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–8332; Filed, Aug. 18, 1964; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Barnett National Securities Corporation for approval of the acquisition of voting shares of The San Jose Barnett Bank, Jacksonville, Florida, a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)) and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of Barnett National Securities Corporation, Jacksonville, Florida, a registered bank holding company, for the Board's approval of the acquisition of 80 percent or more of the voting stock to be issued by The San Jose Barnett Bank, Jacksonville, Florida, a proposed new bank.

As required by section 3(b) of the Act, the Board notified the Florida State Commissioner of Banking of receipt of the application and requested his views and recommendation thereon. The Commissioner recommended approval of the application. Notice of receipt of the application was published in the FEDERAL REGISTER on April 9, 1964 (29 F.R. 4976), which provided an opportunity for submission of comments and views regarding the application. Time for filing such comments and views has expired and all comments and views filed with the Board have been considered by it.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is granted, provided that the acquisition so approved shall not be consummated (a) within seven calendar days after the date of this order or (b) later than three months after said date, and that The San Jose Barnett Bank shall be opened for business not later than six months after said date.

Dated at Washington, D.C., this 12th day of August 1964.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON, *Assistant Secretary.*

[F.R. Doc. 64–8323; Filed, Aug. 18, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2–13777]

AMERICAN LIFE & CASUALTY INSURANCE CO.

Notice of Application for Exemption

AUGUST 13, 1964.

Notice is hereby given that American Life & Casualty Insurance Company, a North Dakota corporation (the "Applicant"), has filed an application pursu-

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Vice Chairman Balderston, and Governors Mills, Robertson, Shepardson, and Mitchell. Absent and not voting: Chairman Martin and Governor Daane.

ant to Rule 15d–20 of the general rules and regulations under the Securities Exchange Act of 1934 ("Act") for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file 10–K reports required by that section and the rules and regulations thereunder.

Rule 15d–20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all the outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed fifty persons, and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption that the applicant has become a wholly-owned subsidiary of American Life Companies, Inc. and as a result no longer has any public shareholders.

American Life Companies, Inc. acquired all of the outstanding voting securities of the registrant by means of an exchange offer to the shareholders of American Life & Casualty Insurance Company. American Life Companies, Inc. files annual and periodic reports pursuant to section 15(d) of the Act.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after September 16, 1964, unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than September 11, 1964 at 5:30 p.m., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 64–8330; Filed, Aug. 18, 1964; 8:45 a.m.]

[File No. 812–1698]

BROAD STREET INVESTING CORP.

Notice of Filing of Application

AUGUST 13, 1964.

Notice is hereby given that Broad Street Investing Corporation ("Broad Street"), 65 Broadway, New York, New York, a registered open end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of The Cove Investment & Improvement Company ("Cove"). All interested persons are referred to the application as filed with the Commission for a complete statement of the representations therein, which are summarized below.

Shares of Broad Street, a Maryland corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of June 9, 1964, the net assets of Broad Street amounted to $310,184,973.

Cove, a Connecticut corporation, is an investment company having as record stockholders, six trusts having a single, common, surviving life tenant with remainder interests in its issue, and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) of the Act. Cove was incorporated in 1917 and since 1919 has been engaged primarily in the business of investing and reinvesting its funds. Pursuant to an agreement between Broad Street and Cove, substantially all of the cash and securities owned by Cove, with a value of approximately $7,855,696 as of June 9, 1964, will be transferred to Broad Street in exchange for shares of its capital stock. When received by Cove, the shares of Broad Street are to be distributed to Cove stockholders on the liquidation of Cove. These shares have been registered under the Securities Act of 1933. None of the stockholders of Cove has any present intention of redeeming or otherwise transferring the shares of Broad Street received on such liquidation. The valuation time is fixed in the agreement as 3:30 p.m. (New York City time) on the business next succeeding the first dividend record date established by Broad Street after June 25, 1964 or such other date as may be mutually agreed upon.

The number of shares of Broad Street to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth below) of the assets of Cove to be transferred to Broad Street by the net asset value per share of Broad Street, both to be determined as of the valuation time. If the valuation under the agreement had taken place on June 9, 1964, Cove would have received 499,776 shares of Broad Street's stock.

Since the exchange will be tax free for Cove and its stockholders, Broad Street's cost basis for tax purposes for the assets acquired from Cove will be the same as for Cove, rather than the price actually paid by Broad Street for the assets. Of the assets to be acquired from Cove, Broad Street intends to retain in its portfolio, subject to changes in investment conditions and considerations, securities having a market value, as of June 9, 1964, of $4,359,437 including unrealized appreciation of $3,394,263. The market value of those securities of Cove which Broad Street intends to sell after the acquisition thereof amounted to $3,256,259 on June 9, 1964 and the unrealized capital gain on such securities on that date amounted to $2,116,518. As of June 9, 1964, Broad Street had unrealized appreciation on securities owned amounting to $120,684,883 or approximately 38.9 percent of its assets, which on that date amounted to $310,184,973. The realized but undistributed long-term capital gain of Broad Street amounted to $3,403,538 on June 9, 1964 or approximately 1.1 percent of its assets.

Because Broad Street may acquire securities from Cove at a tax cost basis less than the actual price paid therefor, the sale after acquisition may result in a capital gain thereon to the present shareholders of Broad Street. An adjustment, which takes into account the possible tax consequences of the exchange, is to be made in the value of the Cove assets to be acquired by Broad Street in accordance with the following formula:

(1) In respect of the securities of Cove which Broad Street presently intends to sell, there will be determined the difference between the net unrealized taxable capital gain on those securities of Cove and the portion of the realized but undistributed taxable long-term capital gain, if any, of Broad Street allocable to the aggregate shares which Broad Street is issuing to Cove. Such difference, as of June 9, 1964, amounted to $2,034,561.

(2) In respect of the securities of Cove which Broad Street presently intends to hold following acquisition, there shall be determined the difference between the net unrealized taxable capital gain on said securities and the portion of Broad Street's unrealized taxable gain, if any, allocable to the aggregate shares of Broad Street to be issued to Cove determined on a pro forma basis giving effect to the acquisition of the assets of Cove. Such difference, as of June 9, 1964, amounted to $406,437.

(3) The amount computed under (1) shall be increased by the amount, if positive, or decreased by 50 percent of the amount, if negative, computed under (2) and 10 percent of the resulting amount, if any, shall be applied to reduce the value of the assets of Cove to be acquired. If the valuation under the Agreement had taken place on June 9, 1964, the adjustment to the market value of the assets of Cove to be acquired would have amounted to $244,100.

It is the purpose of the foregoing formula, in applying a 50 percent factor to any reduction in unrealized appreciation which may result from the acquisition of the Cove assets, to recognize that such reduction will be of full benefit to the present shareholders of Broad Street only in the indefinite future at such time, if any, as all the present unrealized appreciation in Broad Street's portfolio is realized, whereas an immediate tax liability will result from the realization of artifical capital gains upon the sale after acquisition of certain securities acquired from Cove. The rate of 10 percent applied to the excess unrealized appreciation of Cove is used as an estimated measure of the average tax rate payable on capital gains by Broad Street shareholders.

The application states that no affiliation exists between Cove or its officers, directors or stockholders and Broad Street, its officers or directors, that the agreement was negotiated at arm's length by the two companies and that the Board of Directors of Broad Street approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account, including, among others, the fact that the resulting increase in assets will tend to reduce per share expenses due to the fact that Broad Street is furnished investment research and administrative facilities and services at cost under its arrangement with three other investment companies for the joint ownership and operation of Union Service Corporation. The total operating expenses of Broad Street in 1963, including investment research and administrative services, amounted to 23/100 of 1 percent of the average value of its assets.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at the current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the agreement, however, the shares of Broad Street are to be issued to Cove at a price other than the public offering price stated in the prospectus, which includes a sales charge of 1.8 percent on sales of $500,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transactions from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any person may, not later than August 31, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 64–8331; Filed, Aug. 18, 1964; 8:45 a.m.]

TARIFF COMMISSION

[TEA I–A–5]

STAINLESS-STEEL TABLE FLATWARE

Notice of Postponement of Hearing

Notice is hereby given by the United States Tariff Commission that the hearing ordered to be held on September 15, 1964, in connection with the investigation instituted under section 351(d)(2) of the Trade Expansion Act of 1962, with respect to certain stainless-steel knives, forks, and spoons of the kinds described in items 927.50–927.54 in part 2A of the Appendix to the Tariff Schedules of the United States, is postponed until 10 a.m., e.d.s.t., on September 22, 1964.

Issued: August 13, 1964.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64–8356; Filed, Aug. 18, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 14, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39191: *Hot topping compounds from Saxonburg, Pa.* Filed by Southwestern Freight Bureau, agent (No. B–8580), for interested rail carriers. Rates on hot top compounds and hot topping compounds, in carloads, from Saxonburg, Pa., to Houston, Lone Star and Longview, Tex.

Grounds for relief: Carrier competition.

Tariffs: Supplements 261 and 206 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4400 and 4397, respectively.

FSA No. 39192: *Liquid caustic soda to Westover, Ga.* Filed by Southwestern Freight Bureau, agent (No. B–8585), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from points in Louisiana and Texas, also Baldwin, Ark., to Westover, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 47, 145 and 40 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4529, 4450 and 4534, respectively.

FSA No. 39193: *Processed clay from Weeks, La.* Filed by Southwestern Freight Bureau, agent (No. B–8588), for interested rail carriers. Rates on processed clay, noibn, in carloads, from Weeks, La., to San Antonio, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 15 to Southwestern Freight Bureau, agent, tariff I.C.C. 4481.

FSA No. 39194: *Joint Motor-Rail Rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 25), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states territory, on the one hand, and points in Provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 21 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF–I.C.C. 59.

FSA No. 39195: *Joint Motor-Rail Rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 26), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states and middlewest territories, on the one hand, and points in Provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 21 to Niagara Frontier Tariff Bureau, agent, tariff MF–I.C.C. 59.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–8357; Filed, Aug. 18, 1964; 8:47 a.m.]

[Notice 668]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 14, 1964.

Section A. The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A

No. MC 1222 (Sub-No. 22) filed August 12, 1964. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 Tenth Street, Portsmouth, Ohio. Applicant's attorney: Harry McChesney, Jr., 711 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *iron* and *steel*, between points Boyd County, Ky., and points in Scioto County, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

HEARING: September 17, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 73165 (Sub-No. 186) (AMENDMENT), filed June 15, 1964, published in FEDERAL REGISTER issue of July 1, 1964, amended August 4, 1964, and republished as amended this issue. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. Applicant's attorney: Donald L. Morris, 937 Bank for Savings Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in Boyd County, Ky. (except Ashland, Ky.), on the one hand and, on the other points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: The purpose of this republication is to change the operation from a from and to movement to a between movement, and also to add the State of Virginia.

HEARING: Remains as assigned September 17, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 110098 (Sub-No. 47) filed August 6, 1964. Applicant: ZERO REFRIGERATED LINES, 815 Merida Street, Station A, Box 7249, San Antonio, Tex. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, relishes, condiments, spreads*, and *tortillas*, in packages, cans or similar containers, from the plantsite of Gebhardt Mexican Food Co. located at San Antonio, Tex., to points in California, Oregon, Washington, Arizona, and New Mexico.

HEARING: September 14, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Walter R. Lee.

SECTION B

No. MC 10761 (Sub-No. 134) (CLARIFICATION), filed February 19, 1963, published FEDERAL REGISTER issue of April 10, 1963, as clarified, this issue. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat products, meat byproducts and dairy products*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, serving the plant site of Rosenthal Packing Co., at Paris, Tex., as an off-route point in connection with applicant's regular-route operations between Dallas, Tex. and Kansas City, Mo.

NOTE: The purpose of this republication is to show that applicant proposes to serve the plant site of Rosenthal Packing Co., at Paris, Tex., as an off-route point in connection with its regular route operation, rather than as an irregular route operation as previously published.

CONTINUED HEARING: October 13, 1964, at the Baker Hotel, Dallas, Tex., before Examiner H. Reece Harrison.

NOTICE OF FILING OF PETITIONS

No. MC 123215 (PETITION FOR ELIMINATION OF RESTRICTION AND/OR AUTHORITY TO ADD ADDITIONAL CONTRACTING SHIPPERS), filed June 29, 1964. Petitioner: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, A Partnership, 505 East Madison Street, Phoenix, Ariz. Petitioner's Representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Petitioner is presently authorized to conduct operations as a motor contract carrier, over irregular routes, transporting: "Greeting Cards and sample albums containing greeting cards, from Boston, Springfield, Leominster, and Webster, Mass., Nashau, N.H., North Bennington, Vt., White Plains, Elmira, and New York, N.Y., Pittsburgh and Philadelphia, Pa., Cincinnati, Ohio and Cicero, Ill., to Los Angeles, Pasadena, and San Francisco, Calif., with no transportation for compensation on return except as otherwise authorized.

"Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Charm Craft Publishers, Los Angeles, Calif., Imperial Greeting Card Co., Los Angeles, Calif., Sonnell Card Company, Los Angeles, Calif., Colonia Greeting Card Co., Pasadena, Calif., Western Art Studios, Pasadena, Calif." By the instant petition, petitioner requests permission to add the following companies to the authority now held by it: Plastichrome Greetings, Inc., doing business as The Newbury Guild, Boston, Mass., West Coast Liquidators, Inc., Venice, Calif., Alden Scott Card Co., Beverly Hills, Calif., Associated Artists, Beverly Hills, Calif., and Balboa Greetings, Oakland, Calif. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 117774 (Sub-No. 4), filed July 29, 1964. Applicant: GEORGE A. TAYLOR, INC., 4 Philmore Avenue, Caledonia, N.Y. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, plaster retarder, plaster accelerator, plasterboard joint system, tape*, and *wallboard*, from Caledonia (Wheatland), N.Y., to points in New Jersey and points in that part of Pennsylvania on and east of U.S. Highway 15.

NOTE: Applicant states it seeks, in this application, conversion of that portion of Certificate No. MC 113119 issued Contract Service, Inc. (set forth above) from common to contract carriage. This is matter directly related to MC–F 8670, published in FEDERAL REGISTER issue of February 19, 1964.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of application by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8746 (SHORT LINE DELIVERY CORP.—LEASE—HOFFMAN-QUINLAN TRANSPORTATION CO.), published in the May 20, 1964, issue of the FEDERAL REGISTER, on page 6587. Amendment filed August 7, 1964, to amend the application to a purchase, instead of a lease.

No. MC–F–8839. Authority sought for control and merger by CAROLINA FREIGHT CARRIER CORPORATION, P.O. Box 697, Cherryville, N.C., of the operating rights and property of COMER MOTOR EXPRESS, INC., P.O. Box 3171, Charlotte 3, N.C., and for acquisition by C. G. BEAM, 207 South Elm Street, Cherryville, N.C., D. F. BEAM, 300 South Elm Street, Cherryville, N.C., and JOHN L. FRALEY, 404 Farris Drive, Cherryville, N.C., of control of such rights and property through the transaction. Applicants' attorney: James E. Wilson, 716 Perpetual Building, 1111 "E" Street NW., Washington 4, D.C. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Charlotte, N.C., and points in North Carolina, within 30 miles of Charlotte, on the one hand, and, on the other, Blacksburg, Bristol, Charlottesville, Covington, Fort Monroe, Lexington, Doswell, Petersburg, Roanoke, South Hill, Tazewell, Winchester, and Wytheville, Va., Beckley, Bluefield, Charleston, Clarksburg, Hunting-

ton, Parkersburg, Martinsburg, and Belle, W. Va., McArthur and Dayton, Ohio, Rochester, Utica, and Syracuse, N.Y., and points in North Carolina, and South Carolina, RESTRICTION: Service is not authorized between Belmont, Charlotte, China Grove, Concord, Gastonia, Kennapolis, Kings Mountain, Lincolnton, Maiden and Mount Holly, N.C., on the one hand, and, on the other, Aberdeen, Albemarle, Belmont, Biscoe, Burlington, Carthage, Chapel Hill, Charlotte, China Grove, Concord, Durham, Elizabeth City, Fayetteville, Franklinton, Gastonia, Goldsboro, Greensboro, Greenville, Henderson, Hickory, High Point, Kennapolis, Kings Mountain, Lexington, Lincolnton, Maiden, Mount Holly, New Bern, Newton, Oxford, Raleigh, Reidsville, Rocky Mount, Salisbury, Sandford, Statesville, Tarboro, Thomasville, Troy, Wilson, and Winston-Salem, N.C. CAROLINA FREIGHT CARRIERS CORPORATION is authorized to operate as a *common carrier* in North Carolina, New York, Virginia, South Carolina, Maryland, Florida, Georgia, New Jersey, Rhode Island, Pennsylvania, Connecticut, Massachusetts, and Delaware. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8840. Authority sought for purchase by HARRIS MOTOR EXPRESS, INC., P.O. Box 890, Martinsburg, W. Va., of the operating rights of BOYER TRANSPORTATION COMPANY, INCORPORATED, 78 West Lee Street, Hagerstown, Md., and for acquisition by SAMUEL L. SILBER, 7942 Stevenson Road, Pilesville 8, Md., ALBERT J. GLASS, 202 Wayne Avenue, Silver Spring, Md., WM. C. IRVING, 525 Lincoln Drive, Martinsburg, W. Va., WM. C. LOHNES, 4418 Fullerton Avenue, Baltimore, Md., CARL J. FLOM, 4000 Glen Avenue, Baltimore, Md., SALVATORE J. DeMARCO, JR., 3805 Greenway, Baltimore, Md., LOUIS J. GLASS, 320 Patapsco Avenue, Baltimore, Md., and CALVIN P. CARPER, 1011 West Virginia Avenue, Martinsburg, W. Va., of control of such rights through the purchase. Applicants' attorney: James E. Wilson, 716 Perpetual Building, 1111 "E" Street, NW., Washington, D.C.

Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods, but not excepting, commodities in bulk, as a *common carrier,* over regular routes, between Petersville, Md., and Washington, D.C., serving intermediate points between Leesburg and Falls Church, Va. (not including Leesburg and Falls Church), restricted to the pick-up of milk and the delivery of empty milk cans, all other intermediate points without restriction, and the off-route points of Alexandria, Paeonian Springs, and Waterford, Va., between Washington, D.C., and Petersville, Md., serving all intermediate points between Frederick and Petersville, not including Frederick, between Petersville, Md., and Baltimore, Md., serving all intermediate points between Baltimore, and Rice's Garage, Md., inclusive, restricted to pick-up and delivery of milk, only, and all other intermediate points without restriction; *Milk,* between Knoxville, Md., and Junction Virginia Highways 287 and 7, serving the intermediate points of Harpers Ferry, W. Va., and those south of Harpers Ferry; *equipment used on dairy farms, empty milk cans,* and *butter,* from Washington, D.C., to Halltown, W. Va., serving the intermediate points of Leesburg, Va., and those between Leesburg, Va., and Halltown, W. Va., and off-route points within three miles of the specified route; *milk,* from Halltown, W. Va., to Washington, D.C., serving the intermediate points of Leesburg, Va., and those between Leesburg, Va., and Halltown, W. Va., and the off-route points within three miles of the specified route; *ice,* over irregular routes, from Charles Town, W. Va., to the intermediate and off-route points described immediately above; *lubricating oil and grease,* from Philadelphia, Pa., to Frederick, Md.; *empty lubricating oil and grease containers,* and *grease and oil pumps,* from Frederick, Md., to Philadelphia, Pa.;

Apples, from Frederick, Md., to Biglerville, Pa., and Washington, D.C.; *fertilizer,* from Baltimore, Md., to points in Loudoun, Clarke, and Frederick Counties, Va., and Berkeley and Jefferson Counties, W. Va.; *agricultural commodities, poultry,* and *livestock,* from points in Loudoun County, Va., and Berkeley and Jefferson Counties, W. Va., to Baltimore, and Ellicott City, Md., and Washington, D.C., between points in Loudoun County, Va., and Berkeley and Jefferson Counties, W. Va., on the one hand, and, on the other, points in Frederick and Washington Counties, Md.;

Coal, from Piedmont, W. Va., Barton, Md., and Lykons, Williamstown, Cumbola and Six Mile Run, Pa., and points within five miles of each, to points in Frederick County, Md., and Loudoun County, Va.; *petroleum products* in containers, from Marcus Hook, Pa., and Newark, N.J., to Frederick, Md.; *empty petroleum products containers,* and *used oil and gasoline pumps,* from Frederick, Md., to Marcus Hook, Pa. and Newark, N.J.; *fruit,* from Weverton, Md., and Martinsburg, W. Va., and points within five miles of Weverton and Martinsburg, to Philadelphia and Pittsburg, Pa., Washington, D.C., and Baltimore, Md.; *scrap paper* and *junk metal,* from Frederick, Md., to York, Pa., from Waynesboro, Pa., to Frederick, Md.; *furniture* and *house furnishings,* from Baltimore, Md., and Washington, D.C., to Middletown and Burkittsville, Md.;

Automobile accessories, between Washington, D.C., and Frederick, Md.; *general commodities,* with exceptions as specified above, between points in that part of Maryland, Virginia, and West Virginia, within ten miles of Petersville, Md., including Petersville; *furniture,* between Washington, D.C., on the one hand, and, on the other, Beltsville and Frederick, Md., and Altoona, and Johnstown, Pa.; *lime* and *crushed stone,* from Bakerton, Millville, and Charles Town, W. Va., to Petersville and Middletown, Md., and points within five miles of each; *flour,* and *cracker meal,* from Frederick, Md., to Philadelphia, Pa., and Camden, N.J.; *bakery products,* between Baltimore, Md., on the one hand, and, on the other, York, Pa., and Wilmington, Del.; and *empty containers for bakery products,* from York, Pa., and Wilmington, Del., to Baltimore, Md. Vendee is authorized to operate as a *common carrier* in Maryland, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8842. Authority sought for purchase by DEATON TRUCK LINE, INC., 3409 10th Avenue North, Birmingham, Ala., 35201, of a portion of the operating rights of ENGLAND TRANSPORTATION COMPANY, INC., 622 Alhambra Street, New Orleans, La., and for acquisition by DEATON, INC., also of Birmingham, Ala., of control of such rights through the purchase. Applicants' attorneys: A. Alvis Layne, 952 Pennsylvania Building, Washington, D.C., 20004, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Operating rights sought to be transferred: *Composition pipe,* and *connections* and fittings therefor, as a *common carrier,* over irregular routes, from Marrero, La., to points in Mississippi on and south of U.S. Highway 80. Vendee is authorized to operate as a *common carrier* in Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Missouri, Virginia, New Mexico, Colorado, Kansas. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8845. Authority sought for purchase by WYNNE TRANSPORT SERVICE, INC., 1528 North 11th Street, Omaha, Nebr., of a portion of the operating rights of HILT TRUCK LINE, INC., 3751 Sumner, Lincoln, Nebr., and for acquisition by WALTER F. WYNNE and DONALD W. WYNNE, both of Omaha, Nebr., of control of such rights through the purchase. Applicants' attorney: Donald E. Leonard, Third Floor, NSEA Building, 14th and J Streets, Box 2028, Lincoln, Nebr. Operating rights sought to be transferred: *Inedible animal fats* and *blends thereof,* in bulk, in tank vehicles, as a *common carrier,* over irregular routes, from Lincoln, Nebr., to Kansas City, Kans., from Fargo, N. Dak., to Omaha, and Nebraska City, Nebr., Kansas City, Kans., and Dubuque, Iowa, from points in Nebraska and that part of Iowa west of U.S. Highway 69, to Omaha and Nebraska City, Nebr., from Des Moines, Iowa, and points in that part of Iowa east of U.S. Highway 69, to Dubuque, Iowa; *inedible animal fats,* in bulk, in tank vehicles, from Watertown, S. Dak., to Kansas City, Kans. Vendee is authorized to operate as a *common carrier* in Nebraska, Iowa, Missouri, and Kansas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8846. Authority sought for purchase by RUFFALO'S TRUCKING SERVICE, INCORPORATED, West Pearl Street, Newark, N.Y., of the operating rights of BUFFALO-EASTERN MOTOR LINES, INC., 344 Sixth North Street, Syracuse, N.Y., and for acquisition by NICHOLAS A. SANTINO, also of Newark, N.Y., of control of such rights through the purchase. Applicant's attorney: Martin R. Martino, 308 Edmonds Building, Washington 5, DC.. Operating

rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Madison, Oneida, and Onondaga Counties, N.Y. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8847. Authority sought for purchase by A-P-A TRANSPORT CORP., 2110 85th Street, North Bergen, N.J., of the operating rights and property of SMITH BROTHERS EXPRESS, INC., East Plane Street, and Maple Avenue, Hackettstown, N.J., and for acquisition by ARTHUR E. IMPERATORE, also of North Bergen, N.J., of control of such rights and property through the purchase. Applicants' attorneys: Zelby & Burstein, 160 Broadway, New York 38, N.Y., and McConnell & Weeks, 188 Main Street, Hackettstown, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Hackettstown, N.J., and Newark, N.J., between Hackettstown, N.J., on the one hand, and, on the other, points in Warren and Sussex Counties, N.J., between Hackettstown, N.J., on the one hand, and, on the other, points in Morris County, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Connecticut, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8848. Authority sought for purchase by ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y., of the operating rights and certain physical properties of FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis 5, Ind., and certain physical assets of FEDERAL CARTAGE CO., INC., PORTAGE TRAILER, INC., BOWLING GREEN CARTAGE, INC., and BUTLER MOTOR EQUIPMENT COMPANY, INC., all of 4930 North Pennsylvania Street, Indianapolis 5, Ind. Applicants' attorneys: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., 20036, and Mortimer A. Sullivan, 530 Walbridge Building, Buffalo 2, N.Y.

Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a common carrier over regular routes, between the following points: Detroit, Mich., and Evansville, Ind.; Toledo, Ohio, and Bloomington, Ind.; Indianapolis, Ind., and Louisville, Ky.; Dayton, Ohio, and Muncie, Ind.; Indianapolis, Ind., and Cambridge, Ohio; Lima, Ohio, and Fort Wayne, Ind.; Toledo, Ohio and Columbus, Ohio; Delphos, Ohio, and Salem, Ohio; Barberton, Ohio, and Findlay, Ohio; Massillon, Ohio, and Cambridge, Ohio; Toledo, Ohio, and Youngstown, Ohio; Huntington, Ind., and junction Indiana Highway 9, and Indiana Highway 67; Albany, Ind., and Dunkirk, Ind; Marion, Ind., and Van Wert, Ohio; Cambridge City, Ind., and Connersville, Ind.; Cleveland, Ohio, and Canton, Ohio; Norwalk, Ohio, and Youngstown, Ohio; Barberton, Ohio, and Warren, Ohio; Mansfield, Ohio, and Lodi, Ohio; Cleveland, Ohio, and Medina, Ohio; Bucyrus, Ohio, and junction Ohio Highway 4 and U.S. Highway 20; Dayton, Ohio, and Wapakoneta, Ohio; Dunreith, Ind., and junction of Indiana Highway 3 and Indiana Highway 18; Noblesville, Ind., and junction of Indiana Highway 38 and U.S. Highway 36; Evansville, Ind., and Louisville, Ky.; Delaware, Ohio, and Mansfield, Ohio; Lodi, Ohio, and Medina, Ohio; Decatur, Ind., and Huntington, Ind.; Muncie, Ind., and junction Indiana Highways 67 and 9; Toledo, Ohio, and junction U.S. Highway 24 and 25; St. Louis, Mo., and Vincennes, Ind.; Bowling Green, Ky., and Auburn, Ky.

RESTRICTION: The authority granted herein may not be combined with carrier's otherwise authorized operating rights for the purpose of transporting traffic moving between (including that which is originated at, destined to, or interchanged at), points in the Nashville, Tenn., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in the St. Louis, Mo., East St. Louis, Ill., Commercial Zone, as defined in 61 M.C.C. 480; numerous alternate routes for operating convenience only, serving various intermediate and off-route points;

General commodities, except those of unusual value, livestock, explosives, household goods as defined by the Commission, loose bulk commodities, small arms ammunition, currency, bullion, and commodities which are contaminating or injurious to other lading, or which exceed ordinary equipment and loading facilities, between Louisville, Ky., and Nashville, Tenn., serving intermediate points with a restriction, and certain off-route points. Vendee is authorized to operate as a *common carrier* in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Tennessee, West Virginia, Ohio, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8849. Authority sought for control by RALPH W. WEISS and FREDERICK A. WEISS, 1111 Frankfurst Avenue, Baltimore, Md., 21225, of HART AND CLARK TRANSFER CO., INC. Applicants' attorney: Spencer T. Money, 411 Park Lane Building, 2025 Eye Street NW., Washington, D.C. 20006. Operating rights sought to be controlled: *Lumber* and *crated glass*, as a *common carrier*, over irregular routes, between Baltimore, Md., on the one hand, and on the other, Washington, D.C., and Rosslyn, Va.; *road construction machinery and equipment*, between Baltimore, Md., on the one hand, and, on the other, points in Delaware, and the District of Columbia; and *steel products*, between Baltimore, Md., on the one hand, and, on the other, points in the District of Columbia, and certain points in Maryland, Pennsylvania, West Virginia, and Virginia. RALPH W. WEISS and FREDERICK A. WEISS, hold no authority from this Commission. However, they are affiliated with THE MARYLAND TRANSPORTATION COMPANY, which is authorized to operate as a *common carrier* in Maryland, Virginia, West Virginia, Pennsylvania, New York, New Jersey, Connecticut, Delaware, Massachusetts, Ohio, New Hampshire, Rhode Island, North Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-8843. Authority sought for control by G. THOMAS DI DOMENICO, 764 Kennedy Boulevard, Bayonne, N.J., of DOMENICO BUS SERVICE, INC., 764 Kennedy Boulevard, Bayonne, N.J. Applicants' attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Operating rights sought to be controlled: Authority applied for in Docket No. MC-118848 (Sub-4), covering the transportation of *passengers and their baggage*, in the same vehicle with passengers, as a *common carrier*, over regular routes, (1) between the Borough of Richmond, N.Y., N.Y., and the Borough of Manhattan, N.Y., N.Y., serving all intermediate points, except those in New Jersey, and except those in Port Richmond, Staten Island, N.Y., between Decker Avenue and Maple Parkway, and (2) between the junction of Seaside Boulevard and Sand Lane in South Beach, Staten Island, and the junction of Hylan Boulevard and Clove Road, serving all intermediate points. G. THOMAS DI DOMENICO, holds no authority from this Commission. However, he is affiliated with BOULEVARD TRANSIT LINES, INC., which is authorized to operate as a *common carrier* in New York, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8844. Authority sought for purchase by WHITFIELD BUS LINES, INC., P.O. Box 1330, Las Cruces, N. Mex., of the operating rights and property of MOORE SERVICE, INC., P.O. Box 77, El Paso, Tex., and for acquisition by W. E. WHITFIELD, H. C. WHITFIELD, both of P.O. Box 9897, El Paso, Tex., and M. E. WHITFIELD, also of Las Cruces, N. Mex., of control of such rights and property through the purchase. Applicants' attorney: O. Russell Jones, P.O. Box 2228, Santa Fe, N. Mex. Operating rights sought to be transferred: Passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, as a *common carrier*, over a regular route, between Silver City, N. Mex., and El Paso, Tex., serving all intermediate points, and the off-route points of Bayard, Vanadium, and Santa Rita, N. Mex. Vendee holds no authority from this Commission. However, it is affiliated with WHITFIELD TRANSPORTATION, INC., which is authorized to operate as a *common carrier* in Texas, New Mexico, Colorado, Utah, Arizona, Idaho, Nevada, and Wyoming. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-8358; Filed, Aug. 18, 1964; 8:47 a.m.]

[Notice 669]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 14, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d) (4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 531 (Sub-No. 152) filed August 4, 1964. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals* and *petroleum and petroleum products*, in bulk, between points in Jefferson and Orange Counties, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE: Applicant states it does not seek any duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 966 (Sub-No. 19), filed August 6, 1964. Applicant: CAPITOL TRUCK LINES, INC., 200 West First Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods, dangerous explosives and commodities in bulk), serving Hepler, Kans., as an off-route point in connection with applicant's presently authorized regular-route operations to and from Kansas City, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 2202 (Sub-No. 267) filed August 3, 1964. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Harrisburg and York, Pa., from Harrisburg, over U.S. Highway 111 (Interstate Highway 83), to York, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10672 (Sub-No. 9) filed August 6, 1964. Applicant: BAHR GRAIN COMPANY, a corporation, Barneston, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients* in bag and in bulk, from Montpelier, Iowa, and points within five (5) miles thereof, to points in Illinois, Indiana, Iowa, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa.

No. MC 14743 (Sub-No. 24) filed August 3, 1964. Applicant: E. L. POWELL & SONS TRUCKING CO., INC., P.O. Box 356, Tulsa, Okla. Applicant's attorney: Benton Coopwood, 904 Lavaca Street, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Earth drilling machinery and equipment*, (2) *machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, or (b) digging of slush pits and clearing, preparing, constructing or maintaining drilling sites*, (3) *machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the completion of holes or wells drilled, (b) the production, storage, transmission and distribution of commodities resulting from drilling operations, or (c) injection or removal of commodities into or from holes or wells;*

(1) Between points in Kansas, New Mexico, Oklahoma and Texas; (2) Between points in Oklahoma and Kansas, on the one hand, and, on the other, points in Arkansas, and Louisiana; (3) Between points in Tulsa County, Okla., on the one hand, and, on the other, points in Mississippi, Colorado, and Wyoming; (4) Between points in Oklahoma, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 19 to the United States-Canadian boundary line, points in that part of North Dakota on and west of a line beginning at the United States-Canadian boundary line, and extending along North Dakota Highway 30 to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, and points in South Dakota west of the Missouri River and on and north of a line beginning at the Missouri River in Pierre, S. Dak., and extending along U.S. Highway 14 to Philip, S. Dak., thence along South Dakota Highway 73 (formerly U.S. Highway 14) to Philip Junction, S. Dak., thence along U.S. Highway 16 (formerly U.S. Highway 14) to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Alternate U.S. Highway 14 (formerly U.S. Highway 14), thence along Alternate U.S. Highway 14 to junction U.S. Highway 85 (formerly U.S. Highway 14), thence along U.S. Highway 85 to junction U.S. Highway 14, and thence along U.S. Highway 14 to the South Dakota-Wyoming State line;

(5) Between points in New Mexico, Oklahoma, and Texas; (6) Between points in Oklahoma, on the one hand, and, on the other, points in Louisiana, and Wyoming, and points in that part of North Dakota on and west of a line beginning at the United States-Canadian boundary line, and extending along North Dakota Highway 30 through St. John, York, and Medina, N. Dak., to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line; (7) Between points in Kansas, New Mexico, Oklahoma, and Texas; (8) Between points in Oklahoma, and Kansas, on the one hand, and, on the other, points in Arkansas, and Louisiana; (9) Between points in Oklahoma, on the one hand, and, on the other, points in Mississippi, Colorado, and Wyoming;

(10) Between points in Oklahoma, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 through Alzada, and Broadus, Mont., to Miles City, Mont., thence along Montana Highway 22 through Hillside, Mont., to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 19 to the United States-Canadian boundary line, points in that part of North Dakota on and west of a line beginning at the United States-Canadian boundary line, and extending along North Dakota Highway 30 through St. John, York, and Medina, N. Dak., to

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, and points in South Dakota west of the Missouri River, and north of a line beginning at the Missouri River in Pierre, S. Dak., and extending along U.S. Highway 14 to Philip, S. Dak., thence along South Dakota Highway 73 (formerly U.S. Highway 14) to Philip Junction, S. Dak., thence along U.S. Highway 16 (formerly U.S. Highway 14) to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Alternate U.S. Highway 14 (formerly U.S. Highway 14), thence along Alternate Highway 14 to junction U.S. Highway 85 (formerly U.S. Highway 14), thence along U.S. Highway 85 to junction U.S. Highway 14, and thence along U.S. Highway 14 to the South Dakota-Wyoming State line;

(11) Between points in Oklahoma on and east of U.S. Highway 81, points in Texas on and east of U.S. Highway 281, and on and north of U.S. Highway 90, and points in Kansas on and east of U.S. Highway 81, and on and south of U.S. Highway 54, on the one hand, and, on the other, points in Wyoming, and Colorado;

RESTRICTION: Service under the authority specified immediately above is subject to the following conditions: All traffic must move through points in Oklahoma on and east of U.S. Highway 81, as a gateway. Said authority specified immediately above may not be tacked or combined with any other authority granted herein above and used to provide a through service between points other than those named immediately above. (12) Between points in Oklahoma, on the one hand, and, on the other, ports of entry on the United States-Canada International boundary line in Montana and North Dakota between Sweetgrass, Mont., and Pembina, N. Dak., including Sweetgrass and Pembina; and (13) Between Kansas City, Kans., and points in Missouri and Kansas within 100 miles thereof, on the one hand, and, on the other, points in Utah and Arizona; RESTRICTION: The authority granted herein above shall not be combined with any other authority held by carrier for the purpose of conducting through operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Austin, Tex.

No. MC 19778 (Sub-No. 65), filed August 4, 1964. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard, Chicago, Ill., 60606. Applicant's attorney: Robert F. Munsell, Room 888, 516 West Jackson Boulevard, Chicago, Ill., 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in packages or in bulk from Sioux City, Iowa, Aberdeen, Canton, Chamberlain, Milbank, Mitchell, Renner and Wagner, S. Dak., to points in Iowa, Minnesota, Nebraska and North Dakota.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pierre, S. Dak.

No. MC 37656 (Sub-No. 10), filed August 3, 1964. Applicant: DOYLE TRUCKING CORPORATION, 24-16 Bridge Plaza South, Long Island City 1, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 15, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and supplies, materials and equipment* used in the manufacture, display or sale of furniture and *home furnishings*, (except commodities in bulk), (1) between Elizabeth, Linden, Union and Jersey City, N.J., on the one hand, and, on the other, points in Massachusetts and Rhode Island, and (2) between Medford, Mass., on the one hand, and, on the other, points in Connecticut, Massachusetts and Rhode Island.

NOTE: Applicant states that the service to be performed will be under a continuing contract or contracts with Simmons Company, New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 56082 (Sub-No. 55), filed August 3, 1964. Applicant: DAVIS & RANDALL, INC., 154 Chautauqua Road, P.O. Box 390, Fredonia, N.Y. Applicant's attorney: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials*, from points in the New York, N.Y., Commercial Zone and Newark, N.J., Commercial Zone to points in Georgia and Florida and *empty containers or other such incidental facilities* (not specified(used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 59856 (Sub-No. 19), filed July 29, 1964. Applicant: SALT CREEK FREIGHTWAYS, a Corporation, 408 Industrial Avenue, Casper, Wyo., 82602. Applicant's attorney: Ward A. White, P.O. Box 578, 1600 Van Lennen Avenue, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and dangerous explosives, household goods, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), to and from the site of the Wycon Chemical Company Plant approximately 4 miles west of Cheyenne, Wyo., adjacent to U.S. Highway 30 as an off-route point in connection with carrier's authorized regular route operations to, from or through Cheyenne, Wyo.

NOTE: The location of the Wycon Chemical Company Plant is believed to be slightly less than 4 miles from the city limits of Cheyenne, and accordingly within the commercial zone of Cheyenne, Wyo. Due to a temporary railroad crossing, the distance from Cheyenne to the site is 4½ miles, and accordingly, the purpose of this application is to eliminate any doubt as to whether applicant carrier is authorized to serve said point. If a hearing is deemed necssary, applicant requests it be held at Cheyenne, Wyo.

No. MC 80428 (Sub-No. 37) filed August 3, 1964. Applicant: McBRIDE TRANSPORTATION, INC., Main Street, Goshen, N.Y. Applicant's attorney: Martin Werner, 2 West 45th Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry feed, dry feed ingredients, dry fertilizer, and lime*, in bulk, in tank vehicles, from Albany, N.Y., and the town of Bethlehem, Albany County, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and (2) *feed, feed ingredients, fertilizer*, and *lime*, in bulk, in tank vehicles, from Buffalo and Binghamton, N.Y., to points in Pennsylvania.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necssary, applicant requests it be held at Buffalo, N.Y.

No. MC 83539 (Sub-No. 119) filed August 3, 1964. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex., 75222. Applicant't attorney: W. T. Brunson, 419 Northwest 6th Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and forest products*, from the plant sites of The Marley Company at Stockton, Calif., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 120) filed August 3, 1964. Applicant: C & H TRANSPORTATION CO. INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex., 75222. Applicant's attorney: W. T. Brunson, 419 Northwest 6th Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Telescopic steel beams, telescopic steel girders, telescopic steel trusses*, and *expandable steel shoring*, (b) *chemical release agent* in drums, when moving in connection with commodities in (a) above, and (c) *accessories, attachments or fittings* for commodities named in (a) above when moving in connection with such commodities (1) between job-sites in Arkansas, Illinois, Iowa, Kansas, Missouri, Oklahoma, Tennessee, and Texas, (2) between Chicago, Ill., Little Rock, Ark., Dallas and Houston, Tex., and Memphis, Tenn. and (3) between Chicago, Ill., Little Rock, Ark., Dallas and Houston, Tex., and Memphis, Tenn., on the one hand, and, on the other, job-sites in Arkansas, Illinois, Iowa, Kansas, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 87113 (Sub-No. 4) filed August 5, 1964. Applicant: WHEATON VAN LINES, INC., P.O. Box 55191, 2525 East 56th Street, Indianapolis, Ind. Applicant's attorney: Alan F. Wohlstetter, One Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arizona, California, and Nevada, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 88905 (Sub-No. 18), filed August 3, 1964. Applicant: CARL R. VAN DYKE, doing business as C. R. VAN DYKE, Montgomery, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals* from Schenectady, Albany, Watervliet, Glens Falls, Troy, Hudson, Kingston, Gloversville, Amsterdam, Poughkeepsie, Newburgh, and Ellenville, N.Y., and North Adams and Pittsfield, Mass., to Burlington, Florence, Camden, Newark, Port Newark, and Phillipsburg, N.J., and Fairless, Macungie, East Greenville, Linfield, Boyertown, and Reading, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 95926 (Sub-No. 6), filed August 4, 1964. Applicant: THOMAS S. SAN GIACOMO, INC., 72 Collins Street, Orange, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper on rolls*, from Moodna (Cornwall) Town of New Windsor, N.Y., to points in Pennsylvania (except points in Chester, Philadelphia, Montgomery, Bucks, Lehigh, Northampton, Cargon, Monroe, Lackawanna, Wayne, and Pike Counties), to points in New Jersey (except points in Bergen, Passaic, Hudson, Essex, Union, Morris, Middlesex, Monmouth, Mercer, Somerset, and Camden Counties), points in Delaware, Maryland, and the District of Columbia, and (2) *Waste and scrap paper*, from the destination points described above to Moodna (Cornwall) Town of New Windsor, N.Y., and Orange, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 101075 (Sub-No. 90) filed August 6, 1964. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Ronald B. Pitsenbarger, 1215 Center Avenue, Moorhead, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Jamestown, N. Dak., and points within five (5) miles thereof to points in Minnesota, South Dakota, Montana, and ports of entry on the International Boundary line between the United States and Canada located in North Dakota and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 103378 (Sub-No. 284), filed August 3, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, in bulk, from Pacolet, S.C., to Atlanta, Ga.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103378 (Sub-No. 293,) filed August 3, 1964. Applicant: PETROLEUM CARRIER CORPORATION 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flint sand*, in bulk, from Shuler, S.C., to Atlanta, Ga.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103378 (Sub–No. 294) filed August 3, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ball clay*, in bulk, from Paris, Tenn., to Atlanta, Ga.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103490 (Sub-No. 57) filed August 3, 1964. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, fill, paving materials and bituminous concrete*, in bulk, in dump vehicles, from Brookfield, Conn., to points in Westchester, Dutchess, Putnam, Orange, and Rockland Counties, N.Y., and *returned shipments*, on return.

NOTE: Applicant holds contract carrier authority in MC 125709, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 103880 (Sub-No. 317) (CORRECTION), filed July 13, 1964, published FEDERAL REGISTER, issue of August 5, 1964, and republished this issue. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill.

NOTE: The purpose of this republication is to set forth applicant's correct docket number as shown above, in lieu of No. MC 103889 (Sub-No. 317), shown in previous issue, in error.

No. MC 104896 (Sub-No. 11), filed July 31, 1964. Applicant: WOMELDORF, INC., P.O. Box 232, Lewistown, Pa., 17044. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers for petroleum products*, from points in West Virginia and from points in that part of Pennsylvania located on and west of a line beginning at U.S. Highway 522 from the Pennsylvania-Maryland State line to Lewistown, thence over U.S. Highway 322 to Potters Mills, thence over Pennsylvania Highway 53 to Milesburg, thence over U.S. Highway 220 to Lock Haven, thence over U.S. Highway 120 to Renovo, thence over Pennsylvania Highway 144 to Galeton, thence over U.S. Highway 6 west to its intersection with Pennsylvania Highway 449, thence to the Pennsylvania-New York State line over Pennsylvania Highway 449, excluding all points in Mifflin and Clinton Counties, to Paulsboro, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 104896 (Sub-No. 12) filed August 5, 1964. Applicant: WOMELDORF, INC., P.O. Box 232, Lewistown, Pa., 17044. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, to points in Ohio, Pennsylvania, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105375 (Sub-No. 18), (AMENDMENT) filed July 6, 1964, published in FEDERAL REGISTER issue of July 22, 1964, amended August 5, 1964, and republished as amended this issue. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul, Minn., 55104. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* dry and liquid, *acids and chemicals*, and *fertilizer*

compounds, including but not limited to anhydrous ammonia, aqua ammonia, and nitrogen fertilizer solutions, in bulk, in tank or hopper type vehicles, from Fremont, Nebr., and points within 10 miles thereof, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota, and *rejected shipments*, on return.

NOTE: The purpose of this republication is to more clearly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107496 (Sub-No. 325), filed August 5, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Boulder, Colo., to points in Indiana.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Denver, Colo.

No. MC 107515 (Sub-No. 490), filed August 6, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniel, 1600 First National Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Cameron, Hidalgo, and Willacy Counties, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, and Rhode Island.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Brownsville, Tex.

No. MC 108460 (Sub-No. 11), filed August 3, 1964. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 3901 West 12th Street, Sioux Falls, S. Dak. Applicant's attorney: Theodore Mead Bailey, Jr., 305 Northwestern Bank Building, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, (1) from Wolsey, S. Dak., and points within 15 miles thereof (except from the site of the terminal outlet of Kaneb Pipeline Company at or near Wolsey, S. Dak.), to points in Iowa, Minnesota, Montana, North Dakota, and Wyoming, and *rejected shipments* on return, and (2) from Aberdeen, S. Dak., and points within 15 miles thereof, to points in Iowa, Minnesota, Montana, North Dakota, and Wyoming, and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109637 (Sub-No. 260), filed August 5, 1964. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and detergents*, in bulk, in tank vehicles, between Calvert City, Ky., and points in California, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109637 (Sub-No. 261), filed August 5, 1964. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of Phillips Petroleum Company terminal, at or near North Bend, Ohio, to points in Indiana, Kentucky, and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 110284 (Sub-No. 20), filed August 4, 1964. Applicant: H. W. MILLER TRUCKING COMPANY, a corporation, P.O. Box 126 East Durham Station, Durham, N.C. Applicant's attorney: John C. Goddin, Insurance Building, 10 South Tenth Street, Richmond, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, except liquid fertilizer and liquid fertilizer materials in bulk, in tank vehicles, between Chesapeake, Va., and points in North Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 110525 (Sub-No. 669) filed August 5, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz & J. William Cain, 1155 Fifteenth Street, Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant site of the Phillips Petroleum Company at or near North Bend, Ohio, to points in Indiana, Kentucky, and Michigan.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 110698 (Sub-No. 285), filed August 6, 1964. Applicant: RYDER TANK LINE, INC., Winston Salem Road, P.O. Box 8418, Greensboro, N.C. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen gas*, in shipper-owned tube trailers, from Dallas, Tex., to points in Arkansas, Oklahoma, Kansas, Mississippi, and Louisiana.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 111375 (Sub-No. 18) filed July 31, 1964. Applicant: OTTO PIRKLE, doing business as PIRKLE REFRIGERATED FREIGHT LINES, 3567 East Barnard Avenue, Cudahy, Wis. Applicant's attorney: Joseph H. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *articles distributed by meat packinghouses*, other than hides and commodities in bulk, in tank vehicles, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site and/or facilities used by Wilson & Co., Inc., at or near Cherokee, Iowa to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111812 (Sub-No. 234), filed December 6, 1963. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak., 57101. Applicant's representative: William J. Walsh, P.O. Box 747, Sioux Falls, S. Dak., 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Caldwell, Nampa, and Heyburn, Idaho, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and District of Columbia.

NOTE: Applicant states that no duplicating authority is sought herein. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 111812 (Sub-No. 259) (CLARIFICATION), filed July 23, 1964, published in FEDERAL REGISTER issue of August 5, 1964, and republished as clarified this issue. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen meats*, and (2) *frozen meats and commodities* which would otherwise be partially exempt under the provisions of Section 203(b)(6) of the Interstate Commerce Act, in mixed shipments, from Moosic, Pa., to points in North Dakota, South Dakota, Minnesota, and Wisconsin.

NOTE: The purpose of this republication is to clarify the commodity description. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 111997 (Sub-No. 7), filed August 3, 1964. Applicant: SOUTHERN IOWA TRANSPORTATION, INC., 428 East Main Street, Ottumwa, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, P.O. Box 279, Ottumwa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to Chariton and Grinnell, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC-105559, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 112617 (Sub-No. 186) filed August 5, 1964. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of The Phillips Petroleum Company terminal located at or near North Bend, Ohio, to points in Indiana, Kentucky, and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112668 (Sub-No. 35) filed August 6, 1964. Applicant: HARVEY R. SHIPLEY & SONS, INC., Post Office Finksburg, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Rags and synthetic fabric scrap*, (1) from Baltimore, Md., to points in Delaware, New Jersey, those in Pennsylvania on and east of U.S. Highway 15 (except Philadelphia, Scranton, and Wilkes-Barre), and those on Long Island, N.Y. (except points in the New York, N.Y., commercial zone), and (2) from the destination territory specified immediately above to Baltimore and Cedarhurst, Md., and (B) *Synthetic fabric scrap*, between Baltimore, Md., on the one hand, and, on the other, Philadelphia, Pa., and New York, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113908 (Sub-No. 146) (CORRECTION), filed July 13, 1964, published FEDERAL REGISTER issue of July 29, 1964, and republished this issue. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo., 65806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and animal oils*, in bulk, in tank vehicles, from the plant site of Wilson & Company at or near Cherokee, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, District of Columbia, and Wisconsin.

NOTE: The purpose of this republication is to add the State of Michigan to the destination States named above, inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113981 (Sub-No. 5) (CLARIFICATION), filed June 10, 1964, published in FEDERAL REGISTER issue of July 1, 1964, and republished as clarified this issue. Applicant: V. J. HUNT, doing business as VEGAS TRUCKING & MOVING CO., 2851 Cedar Street, Las Vegas, Nev. New authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities of unusual value, and petroleum products in bulk), (1) between Shoshone, Calif. and Oakland, Calif., from Shoshone, over California Highway 127 to Baker, Calif., thence over U.S. Highway 91 (Interstate Highway 15) to Barstow, Calif., thence over U.S. Highway 466 to Bakersfield, Calif., thence north over U.S. Highway 99 to Sacramento, Calif., thence over U.S. Highway 40 (Interstate Highway 80) to Oakland, Calif., thence over U.S. Highway 50 to Stockton, Calif., and return over the same route, serving all intermediate points, and off-route points of Hanford, and Kernville, Calif., and Mercury, Nev.

(2) Between Inyokern, Calif. and Beechers Corner, Calif., over U.S. Highway 395, serving all intermediate points, and the off-route points of Hanford and Kernville, Calif., and Mercury, Nev. and (3) between Freeman, Calif. and Mojave, Calif., over California Highway 14, serving all intermediate points, and the off-route points of Hanford and Kernville, Calif., and Mercury, Nev.; (B) removal of interline restriction in applicant's Certificate No. MC 113981 (Sub-No. 2), which reads as follows: general commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, petroleum products in bulk, and commodities requiring special equipment), between Las Vegas, Nev., and Shoshone, Calif., from Las Vegas over U.S. Highway 91 to junction Nevada Highway 16, thence over Nevada Highway 16 to Pahrump, Nev., thence over Nevada Highway 52 to the Nevada-California State line, thence over California Highway 52 to Shoshone, and return over the same route, serving all intermediate points, and serving off-route points within 15 miles of Las Vegas, those within 10 miles of Shoshone, those within 10 miles of the highways specified above, and the off-route point of Ash Meadows, Nev., restricted against interline or interchange of shipments at any point in California; and (C) removal of interline restriction in applicant's Certificate No. MC 113981 (Sub-No. 4), which reads as follows:

General commodities (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Pahrump, Nev., and Bakersfield, Calif., from Pahrump over Nevada Highway 52 to the Nevada-California State line, thence over California Highway 52 to Shoshone, Calif., thence over California Highway 127 to Death Valley Junction, Calif., thence over California Highway 190 to Emigrant Junction, Calif., thence over unnumbered highway to junction California Highway 212 approximately seven miles south of Trona, Calif., thence over California Highway 212 to junction U.S. Highway 6, approximately four miles west of Inyokern, Calif., thence over U.S. Highway 6 to Freeman, Calif., thence over California Highway 178 to Bakersfield, and return over the same route, serving all intermediate points. RESTRICTION: The authority granted herein is restricted, except for the transportation of fertilizer, to the transportation of traffic which originates at or is destined to points in California bounded on the north by a line beginning at the Pacific Ocean at Moss Landing, Calif., and extending over California Highway 1 to Watsonville, Calif., thence over California Highway 1 to Watsonville, Calif., thence over California Highway 152 to Califa, Calif., thence over U.S. Highway 99 to Sacramento, Calif., and thence over U.S. Highway 50 to the California-Nevada State line; and bounded on the south by a line beginning at the Pacific Ocean at Ventura, Calif., and extending over U.S. Highway 101 to junction California Highway 126, near Ventura, thence over California Highway 126 to junction U.S. Highway 99, thence over U.S. Highway 99 to junction U.S. Highway 6, thence over U.S. Highway 6 to Palmdale, Calif., thence over California Highway 138 to junction U.S. Highway 91 at Cajon Junction, Calif., and thence over U.S. Highway 91 to the California-Nevada State line.

NOTE: The purpose of this republication is to set forth a complete description of authority sought by applicant, namely sections (B) and (C) above, in which applicant seeks removal of interline restrictions from his certificates, Nos. MC 113981 (Sub-Nos. 2 and 4). If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev.

No. MC 114045 (Sub-No. 153), filed August 3, 1964. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, in vehicles equipped with mechanical refrigeration, from Wapokoneta, Ohio, to points in Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 154), filed August 3, 1964. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products*, in vehicles equipped with mechanical refrigeration, from Chicago, Ill., to points in California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 155), filed August 3, 1964. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, other than frozen, and *confectionery products*, in vehicles equipped with mechanical refrigeration, from New York, N.Y., and Elizabeth and Jer-

sey City, N.J., to points in Tennessee and Louisiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 156), filed August 7, 1964. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, textiles, and textile products*, made of natural or synthetic fibres, *metallic yarn, dry goods, rugs, carpeting, carpeting products, and manufactured textile products*, from Danville, Va., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 157), filed August 7, 1964. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Finley and Belt Line Road, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, in vehicles equipped with mechanical refrigeration units, from Wichita, Kans., to points in Kentucky, Pennsylvania, New York, New Jersey, Maryland, Connecticut, Rhode Island, Massachusetts, Virginia and Washington, D.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114897 (Sub-No. 57) filed July 30, 1964. Applicant: WHITFIELD TRANSPORTATION, INC., 300 North Clark Road (P.O. Drawer 9897), El Paso, Tex., 79989. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment) (1) between Dallas, Tex., and Albuquerque, N. Mex.; from Dallas over city streets to Fort Worth, Tex., thence over U.S. Highway 180 to Snyder, Tex., thence over U.S. Highway 84 via Post, Tex., to Fort Sumner, N. Mex., thence over U.S. Highway 285 to Clines Corners, N. Mex., thence over U.S. Highway 66 to Albuquerque, and return over the same route, serving the intermediate point of Post, Tex., for joinder only, and serving the intermediate points of Lubbock, Tex. for interchange only, and (2) between Post, Tex. and Tularosa, N. Mex.; from Post over U.S. Highway 380 to Hondo, N. Mex., thence over U.S Highway 70 to Tularosa, and return over the same route, serving Post as a point of joinder only

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque and Las Cruces, N. Mex. and Dallas, Tex.

No. MC 114045 (Sub-No. 158), filed August 7, 1964. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Finley and Belt Line Road, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, in vehicles equipped with mechanical refrigeration, from Evansville, Ind., to points in California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 115162 (Sub-No. 95), filed August 5, 1964. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, P.O. Box 346, Evergreen, Ala. Applicant's representative: Robert E. Tate, 2031 9th Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, regardless of how they are equipped (except tractors used in pulling commercial highway trailers, and those which because of size or weight require the use of special equipment), and (2) *parts, implements, attachments, accessories*, and *supplies* for commodities described in (1) above and *agricultural machinery* and *implements*, other than hand, as described in Section 1(b) and 1(c) of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between points in Mobile and Monroe Counties, Ala., and points in Alabama and points in Georgia on and south of U.S. Highway 280.

NOTE: Applicant proposes to tack proposed authority with present authority held. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 115181 (Sub-No. 7) filed August 6, 1964. Applicant: HAROLD M. FELTY, INC., R.D. No. 1, Pine Grove, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete masonry units*, glazed and unglazed; *concrete building brick*, pre-cast; *concrete lintels, sills, and coping; and pre-faced concrete masonry units*, from points in Cumru Township, Muhlenberg Township, Perry Township, and Reading, Berks County, Pa., to points in New York, Connecticut, New Jersey, Delaware, Maryland, Virginia, Massachusetts, Rhode Island, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 115265 (Sub-No. 2), filed June 23, 1964. Applicant: HARRY S. FOWLER, doing business as FOWLER AIR SERVICE, 211 South Ray Street, New Castle, Pa. Applicant's attorney: Maurice Levinson, Lawrence Savings and Trust Building, New Castle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, restricted (1) to packages weighing not to exceed 200 pounds each, and (2) to shipments having an immediately prior or immediately subsequent movement by air, between New Castle, Pa., and the Pittsburgh Greater Airport, Allegheny County, Pa.; from New Castle over Pennsylvania Highway 18 to junction Pennsylvania Highway 65, and thence over Pennsylvania Highway 65 to the Pittsburgh Greater Airport, in Moon Township, Allegheny County, Pa., and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 115311 (Sub-No. 44) filed August 5, 1964. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 589, Americus, Ga. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of Penn-Dixie Cement Corporation at Clinchfield, Ga., to points in Georgia, South Carolina, and points in Barbour, Bullock, Chambers, Clay, Cleburne, Coffee, Coosa, Covington, Crenshaw, Dale, Elmore, Geneva, Henry, Houston, Lee, Macon, Montgomery, Pike, Randolph, Russell, and Tallapoosa Counties, Ala., and points in Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Pasco, Putnam, Saint Johns, Santa Rosa, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties, Fla., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115331 (Sub-No. 79), filed July 31, 1964. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch, sugar, and products of corn*, from Muscatine, Iowa, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Wisconsin, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116730 (Sub-No. 2) filed August 3, 1964. Applicant: CARL W. STOLTENBERG, doing business as STOLTENBERG TRUCKING, 315 Polk Street, Kimberly, Idaho. Applicant's attorney: Lawrence B. Quinn, Alturas Building, 156 Third Avenue North, Twin Falls, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Cottonwood and Elk City, Idaho, to points in Colorado, Iowa, Nebraska, Wisconsin, and Wyoming, and *exempt agricultural commodities*, on return.

NOTE: Applicant states the above proposed operations will be performed for the account of Berklund Forest Products Company, Cottonwood, Idaho. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 117119 (Sub-No. 165), filed July 29, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Arizona, California, Idaho, Oregon, Washington, Utah, Nevada, Montana, Wyoming, and Colorado.

NOTE: Applicant states the above proposed operations will be restricted to traffic originating at the plant site and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 166) filed August 4, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Golden, Colo., to points in Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 118196 (Sub-No. 23) filed August 3, 1964. Applicant: RAYE AND COMPANY TRANSPORTS, INC., P.O. Box 613, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs* requiring refrigeration, from points in Wisconsin, to points in California, Arizona, New Mexico, Washington, Nevada, Utah, Idaho, Montana, Colorado, Oregon, Kansas, Texas, and Carthage, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119170 (Sub-No. 8), filed August 4, 1964. Applicant: REEFER TRANSIT LINE, INC., 1413 West Pershing Road, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and prepared frozen foods*, from Webster City, Fort Dodge, and Des Moines, Iowa, to points in Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Maryland, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119507 (Sub-No. 14) filed August 6, 1964. Applicant: CRAUN TRANSPORTATION, INC., Emma Street, Bettsville, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products and materials*, between Maple Grove, Ohio, and points within five miles thereof, on the one hand, and, on the other, points in Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119657 (Sub-No. 1) filed August 3, 1964. Applicant: PATRICK W. GEORGE, doing business as GEORGE TRANSIT LINE, INC., 4016 East 47th Street, Des Moines, Iowa. Applicant's attorney: Robert R. Rydell, 1020 Savings and Loan Building, Des Moines, Iowa, 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prepared animal and poultry feed*, from Muscatine and Cedar Rapids, Iowa, to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, and (2) *animal and poultry feed ingredients*, from the above-specified destination points in (1) above to points in Iowa (except Des Moines, Iowa).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119778 (Sub-No. 71) filed August 4, 1964. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Birmingham, Ala. Applicant's attorney: Frank B. Hand, 921 Seventeenth Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay and volclay and foundry moulding sand additives including such commodities as wood flour, ground coal, and iron ore* in bulk and in containers, from points in Lowndes County, Ala., and Monroe and Itawamba Counties, Miss., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, New York, Michigan, West Virginia, Wisconsin, Arkansas, Missouri, Iowa, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119829 (Sub-No. 12), filed August 6, 1964. Applicant: F. J. EGNER & SON, INC, 3969 Congress Parkway, West Richfield, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of the plant of Phillips Petroleum Company at or near North Bend, Ohio, to points in Indiana, Kentucky, and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119848 (Sub-No. 4) filed July 15, 1964. Applicant: KENISON TRUCKING, INC., P.O. Box 324, 1975 South 1045 West, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* and *acids*, in mixed shipments of bulk and in bags or containers, and *empty containers* or *other incidental facilities* (not specified) used in transporting the above described commodities, between points in Montana, North Dakota, South Dakota, Wyoming, Colorado, Utah, Nevada, California, Oregon, Washington, Idaho, and New Mexico.

NOTE: Applicant states the above described transportation of chemicals and acids will exclude those commodities listed under Explosives and other dangerous articles (49 CFR 71–78). Such listed commodities will not be transported as mixed lading and must be of the same product of which part will be in bulk and the balance in bags or containers. It is further stated no duplicating authority is sought. Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 115504 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 120543 (Sub-No. 22) (AMENDMENT), filed April 27, 1964, published in FEDERAL REGISTER issue of May 13, 1964, amended August 5, 1964, and republished this issue. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. 301, North, Dade City, Fla. Applicant's attorney: Lawrence D. Fay, P.O. Box 1086, 1205 Universal Marion Building, Jacksonville, Fla., 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food and foodstuffs*, requiring refrigeration, in vehicles equipped with mechanical refrigeration, between points in Florida, and (2) *canned foodstuffs*, from points in Florida to points in Mississippi, Louisiana, Texas, Arizona, California, Colorado, Nevada, New Mexico, Arkansas, Utah, and Oklahoma.

NOTE: The purpose of this republication is to change the commodity description in part (2), of the application. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 123233 (Sub-No. 13), filed August 3, 1964. Applicant: PROVOST CARTAGE, INC., 7725 Souligny, Montreal 5, Quebec, Canada. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y., 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, in tank or hopper type vehicles, between the ports of entry located on the International Boundary line between the United States and Canada at or near Trout River and Champlain, N.Y., Highgate Springs, Derby Line, and Norton, Vt., Jackman, Van Buren, Houlton, Vanceboro and Calais, Maine, on the one hand, and, on the other, points in New York, Vermont, New Hampshire, and Maine, restricted to traffic originating at or destined to points in the Province of Quebec, Canada.

NOTE: Applicant holds contract carrier authority in MC 115111, therefore dual op-

erations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 123502 (Sub-No. 8), filed August 6, 1964. Applicant: FREE STATE STONE SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from Cambridge, Md., to points in Delaware, Maryland, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123502 (Sub-No. 9), filed August 6, 1964. Applicant: FREE STATE STONE SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregate, cinders, clay, clay mixtures, crushed stone, dirt, gravel, sand, slag, and stone*, in bulk, (1) from points in Anne Arundel (except Linthicum and Pasadena, Md.) Calvert, Charles, and Prince Georges Counties, Md., and Delight, Md., to points in Delaware, Connecticut, Ohio, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and (2) from Baltimore, Pasadena, and Savage, Md., to points in Connecticut, Ohio, New Jersey, and New York.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123502 (Sub-No. 10), filed August 6, 1964. Applicant: FREE STATE STONE SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous sulphate*, in bulk (except when used as a fertilizer or fertilizer material), from Baltimore, Md., to points in Connecticut, Ohio, New Jersey, New York, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124251 (Sub-No. 10), filed August 3, 1964. Applicant: JACK JORDAN, INC., Post Office Box 244, Dalton, Ga. Applicant's attorney: Ariel V. Conlin, Suite 626 Fulton National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bags and in bulk from Huber, Ga., to points in Hamilton County, Tenn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124669 (Sub-No. 6), filed August 3, 1964. Applicant TRANSPORT INC., OF SOUTH DAKOTA, 1012 West 41st Street, Post Office Box 502, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) from Wolsey, S. Dak., and points within 15 miles thereof (except from the site of the terminal outlet of Kaneb Pipeline Company at or near Wolsey, S. Dak.), to points in Iowa, Minnesota, Montana, North Dakota, and Wyoming, and (2) from Aberdeen, S. Dak., and points within 15 miles thereof, to points in Wyoming, Montana, North Dakota, Minnesota, and Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 125510 (Sub-No. 2), filed August 6, 1964. Applicant: E. L. FIRKINS AND M. H. FIRKINS, doing business as FIRKINS TRUCK LINE, 1204 Grand Avenue, Emmetsburg, Iowa. Applicant's attorney: Clayton L. Wornson, 206 Brick & Tile Building, Mason City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets and underlay* (padding) from Carlisle and Jeannette, Pa., and Chicago, Ill., to Emmetsburg, Iowa, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Mason City, Iowa.

No. MC 125652 (Sub-No. 2), filed August 4, 1964. Applicant: JAMES W. HICKS, DBA HICK'S TRUCKING, New Underwood, S. Dak. Applicant's attorney: Melvin D. Wedmore, Post Office Box 1830, 725½ St. Joe Street, Rapid City, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed concentrates* in bulk from Sioux City, Iowa, to New Underwood, S. Dak., and *cattle* and *wheat* on return.

NOTE: Applicant states the proposed operations will be for the account of Rangeland Feeders, Inc. If a hearing is deemed necessary, applicant requests it be held at Pierre, S. Dak.

No. MC 125915 (Sub-No. 1) (AMENDMENT), filed June 5, 1964, published FEDERAL REGISTER issue June 17, 1964, amended July 30, 1964, and republished as amended this issue. Applicant: WAYNE INGERSOLL, doing business as INGERSOLL TRANSFER, Rural Route 1, Waverly, Iowa. Applicant's attorney: William B. Mooney, First National Bank Building, Waverly, Iowa. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Milk or cream substitutes*, from Waverly, Iowa, to Oconomowoc, Chilton, and Jefferson, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: The proposed service will be under contract with Carnation Company, Waverly, Iowa. The purpose of this republication is to include the word "substitutes" in the commodity descriptions, in lieu of that previously published. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125975 (Sub-No. 2) filed August 3, 1964. Applicant: JOHN J. McCABE AGENCY, INC., 4 Elmont Road, Elmont, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses and livestock*, other than ordinary, and *feed, equipment, paraphernalia, and attendents* incidental to the care, transportation, and display of such animals, between points in the New York, N.Y., commercial zone as defined by the Commission, Newark, Teterboro, and Clifton, N.J., White Plains, and MacArthur Field, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Ohio, Indiana, Illinois, Kansas, Missouri, Michigan, and the District of Columbia. Restriction: Service at New York, N.Y., commercial zone, White Plains, and MacArthur Field, N.Y., and Newark and Teterboro, N.J., restricted to traffic having an immediately prior or subsequent movement in interstate or foreign commerce, and service at Clifton, N.J., restricted to traffic from the United States Quarantine and Inspection Depot having a prior or subsequent movement in interstate or foreign commerce.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126148 (Sub-No. 1), filed August 5, 1964. Applicant: A & E TRUCKING COMPANY, a corporation, 515 Tasker Street, Philadelphia, Pa. Applicant's attorney: Louis E. Levy, 15th Floor, 226 South 16th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities (including horticultural)* when transported in the same vehicle and at the same time with bananas, from Philadelphia, Pa., to Linden, N.J., and Baltimore, Md.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 126213 (Sub-No. 2), filed August 3, 1964. Applicant: SOTER F. VESHI, 23 Cavour Circle, West Boylston, Mass. Applicant's representative: Arthur A. Wentzell, 539 Hartford Turnpike, Shrewsbury, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pies*, fresh, other than frozen, on trays in open box racks, in shipper owned semi-trailers, from Worcester, Mass., to Union, N.J. and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 126261 (Sub-No. 1) filed August 6, 1964. Applicant: DARWIN M. TING, JR., doing busines as EL CENTRO

MOVING AND STORAGE, 260 East Main Street, El Centro, Calif. Applicant's attorney: Carl H. Fritze, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Imperial and San Diego Counties, Calif., and points in Yuma County, Ariz.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 126305 (Sub-No. 1), filed August 3, 1964. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Clayton, Ala. Applicant's representative: Robert E. Tate, 2031 9th Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wooden pallets*, from points in Muscogee, Schley, Webster, Stewart, Quitman, Randolph, Terrell, Dougherty, Clay, Calhoun, Early, Miller, Seminole, and Sumter Counties, Ga., to points in Alabama, Tennessee, and Kentucky.

NOTE: Applicant states that it will transport exempt commodities, on return. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 126305 (Sub-No. 2), filed August 3, 1964. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Clayton, Ala. Applicant's representative: Robert E. Tate, 2031 9th Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used tractors and used farm and industrial equipment*, from points in Alabama, Georgia, and Florida to points in Wisconsin, Illinois, Iowa, and Minnesota.

NOTE: Applicant states that it will transport exempt commodities, on return. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 126305 (Sub-No. 3), filed August 3, 1964. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Clayton, Ala. Applicant's representative: Robert E. Tate, 2031 9th Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used tractors and used farm and industrial equipment*, from points in Alabama, Georgia and Florida to points in Texas, Louisiana, and Colorado.

NOTE: Applicant states that it will transport exempt commodities, on return. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 126369 (Sub-No. 2), filed August 4, 1964. Applicant: S & J TRUCKING CO., INC., 348 13th Street, Brooklyn, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radios, televisions, materials, parts and supplies*, uncrated and crated, between the site of shipper's plant in Carlstadt, N.J., on the one hand, and, on the other, points in New York, N.Y., commercial zone. Restriction: Under a continuing contract with Sharp Electronics Corp. of Carlstadt, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126467 filed August 3, 1964. Applicant: FRANK A. PAONE, doing business as F. PAONE TRUCKING CO., 18 Knight Street, Cranston, R.I. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I., 02905. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast stone of concrete blocks, pieces and slabs;* (2) *products manufactured from cast stone or concrete;* (3) *materials used in the manufacture of cast stone or concrete;* and (4) *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, between Cranston, R.I., on the one hand, and, on the other, points in New London and Windham Counties, Conn., and that part of Massachusetts in Worcester and Middlesex Counties lying on and south of Massachusetts Highway 9, those in Norfolk and Bristol Counties, and those in Plymouth County lying on and west of Massachusetts Highways 105 and 18.

NOTE: Applicant states that the above proposed operations will be limited to a transportation service to be performed under a continuing contract, or contracts, with the Park Avenue Cement Block, Inc., Cranston, R.I. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 126471, filed July 30, 1964. Applicant: TRANS INDUSTRY INC., 302 Oak Street, Emporia, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from Emporia, Kans., to points in Osage and Washington Counties, Okla.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 126472, filed July 30, 1964. Applicant: WILLCOXSON TRANSPORT, INC., Bloomfield, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Boone and Marion Counties, Mo., to points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126473, filed August 3, 1964. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Boone and Marion Counties, Mo., to points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126474, filed July 30, 1964. Applicant: C. M. CARPENTER, doing business as C. M. CARPENTER TRUCKING CO., Anville, Ky. Applicant's attorney: Fred F. Bradley, 711 McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt, crushed stone, limestone, gravel, dense grade aggregate and agriculture lime*, from the site of the Jellico Stone Co., located (approximately (3) three miles south of Jellico, Tenn., on U.S. Highway 25W), to points in Bell, Knox, Laurel, McCreary, Pulaski, Wayne, and Whitley Counties, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, or Knoxville, Ky.

No. MC 126475, filed July 30, 1964. Applicant: ODELL CRABTREE, doing business as CRABTREE TRUCKING COMPANY, Forbus, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (1) from Peoria, Ill., to Cookeville, Tenn., and (2) from Evansville, Ind., to Cookeville, Tenn., and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126476, filed August 3, 1964. Applicant: RUSSELL D. PIPER, doing business as PUNCHES TRUCKLINE, Carbondale, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Topeka and Ottawa, Kans., from Topeka south over U.S. Highway 75 to junction U.S. Highway 56, thence east over U.S. Highway 56 to junction U.S. Highway 59 (Baldwin Junction), thence continuing over U.S. Highway 56 to Baldwin, and return over the same route to Baldwin Junction, thence south over U.S. Highway 59 to Ottawa, thence north over U.S. Highway 59 to Lawrence, thence west over U.S. Highway 40 to Topeka, and return over the same route, serving the intermediate points of Pauline, Carbondale, Overbrook, Worden, Globe, Baldwin, Ottawa, and Lawrence.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 126477 filed August 3, 1964. Applicant: JET AIR FREIGHT & PARCEL DELIVERY, INC., R.R. 4, Baer Field Terminal, Ft. Wayne, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (restricted to traffic having an immediately prior or immediately subse-

quent movement by air), (1) between O'Hare Field and Midway Airports in Chicago, Ill., on the one hand, and, on the other, points in Allen, DeKalb, Noble, Whitley, Huntington, Wells, Adams, Kosciusko, Wabash, LaGrange, and Steuben Counties, Ind., and Defiance, Van Wert, and Paulding Counties, Ohio, and (2) between Baer Field Municipal Airport located at or near Fort Wayne, Ind., on the one hand, and, on the other, points in Allen, DeKalb, Noble, Whitley, Huntington, Wells, Adams, Kosciusko, Wabash, LaGrange, and Steuben Counties, Ind., and points in Defiance, Van Wert, and Paulding Counties, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 126478 filed August 3, 1964. Applicant: JOHN J. ROMANO, doing business as TRIPLE JAY MOTOR CARRIER, 450 Liberty Avenue, Brooklyn, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet shop supplies, bird stands, and cages, dog chains and dog collar chokers*, from Hempstead, N.Y., to points within the New York, N.Y., commercial zone, as described by the Commission in 53 M.C.C. 451, and *returned, refused and rejected shipments of the commodities* specified above, on return.

NOTE: Applicant states the proposed service will be to freight forwarders and freight consolidaters within the New York, N.Y. commercial zone. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126479, filed August 5, 1964. Applicant: J. T. ARNETT, Post Office Box 25, Corsicana, Tex. Applicant's attorney: Albert G. Walker, 304 Capital National Bank Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, valves and fittings and materials* used in the installation thereof, from points within a ten (10) mile radius of Richland, Tex., to points in Oklahoma, Colorado, and Kansas.

NOTE: Applicant states the above proposed operations will be restricted against the transportation of such commodities for use in, or in connection with, the discovery, development, processing, refining, manufacture, production, storage, transmission and distribution of natural gas and petroleum and their products and by-products. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

MOTOR CARRIERS OF PASSENGERS

No. MC 84728 (Sub-No 47) filed August 6, 1964. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, D.C. Applicant's attorney: Julian P. Freret, Continental Building, 1012 14th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between the intersection of U.S. Highway 40 and Interstate Highway I–695 located at or near Fullerton, Md., and the Intersection of the Baltimore-Washington Parkway and Interstate Highway 695, from the intersection of U.S. Highway 40, and Interstate Highway I–695, located at or near Fullerton, thence over Interstate Highway I–695, to its intersection with the Baltimore-Washington Parkway, and return over the same route, serving all intermediate points.

NOTE: Applicant states the proposed service "will be tacked to existing routes." Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 84728 (Sub-No. 48) filed August 6, 1964. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, D.C. Applicant's attorney: Julian P. Freret, Continental Building, 1012 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between the junction U.S. Highway 29 and Maryland Highway 198 at Burtonsville, Md., and Baltimore, Md.; from junction U.S. Highway 29 and Maryland Highway 198 at Burtonsville, over U.S. Highway 29 to junction U.S. Highway 40 at Ellicott City, Md., thence over U.S. Highway 40 to Baltimore, and return over the same route, serving all intermediate points.

NOTE: Applicant states the proposed requested route will be tacked to existing routes. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 97113 (Sub-No. 2), filed August 4, 1964. Applicant: TEXAS ELECTRIC BUS LINES, a corporation, 1002 Austin Avenue, Waco, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Mail, newspapers, parcels and express packages*, in the same vehicle with passengers, between Dallas, Tex., and Waco, Tex., from Dallas over Texas Highway 324 through Lancaster and Red Oak, Tex., to junction U.S. Highway 77, thence over U.S. Highway 77 through Sterrett, Waxahachie, Forreston, Italy, and Milford, Tex., to Hillsboro, Tex., thence over U.S. Highways 77 and 81 through Abbott, West, and Elm Mott, Tex., to Waco, and return over the same route, serving all intermediate points.

NOTE: Applicant states the above proposed operations will be restricted against transporting film where the consignor or consignee thereof is a motion picture film exchange or a motion picture film theatre in Texas. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 115116 (Sub-No. 13) (CORRECTION), filed July 27, 1964, published FEDERAL REGISTER, issue of August 12, 1964, and republished this issue. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Burnswick, N.J. Applicant's attorney: Michael J. Marzano, 17 Academy Street, Newark 2, N.J.

NOTE: The purpose of this republication is to set forth applicant's correct docket number as shown above, in lieu of No. MC 115116 (*Sub-No. 3*) shown in previous issue in error.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER—PASSENGER

No. MC 12882 (Sub-No. 1), filed July 30, 1964. Applicant: ROBERT L. RUTTENBERG, doing business as RUTTENBERG TRAVEL SERVICE, 443 Washington Street, Reading, Pa. For a license (BMC 5) to engage in operations as a *broker* at Reading, Pa., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *Passengers and their baggage*, in groups between points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 52579 (Sub-No. 39) filed August 6, 1964. Applicant: GILBERT CARRIER CORP., 441 9th Avenue, New York, N.Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, from Minneapolis and St. Paul, Minn., to Chicago, Ill. and *returned wearing apparel and hangers*, on return.

No. MC 107403 (Sub-No. 569), filed August 3, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphates*, in bulk, in dump type vehicles, from the plant site of Monsanto Company, Trenton, Mich., to points in Connecticut, Delaware, Illinois (except Joliet, and points in the East St. Louis, Illinois commercial zone), Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Minnesota, Missouri (except points in the St. Louis, Missouri, commercial zone), New Jersey, New York (except points in Queens, Nassau, and Suffolk Counties), Ohio (except points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties), Pennsylvania, Rhode Island, and Wisconsin.

MOTOR CARRIERS OF PASSENGERS

No. MC 48501 (Sub-No. 10), filed August 5, 1964. Applicant: INDIANA MOTOR BUS COMPANY, a corporation, 716 South Main Street, South Bend, Ind. Applicant's attorney: Harry J. Harman, 1110–1112 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Newspapers and express*, in the same vehicle with passengers, (1) between Wabash, Ind., and Markle, Ind., from Wabash over U.S. Highway 24 to Huntington, Ind., thence over U.S. Highway 224 to Markle, and return over the same route, serving all intermediate points, and (2) between Fort Wayne, Ind., and Markle, Ind., over Indiana Highway 3, serving

the intermediate points of Waynedale, Nine Mile, and Zanesville, Ind.

NOTE: Applicant holds authority in Certificate No. MC 48501 to transport passengers and their baggage, and mail in the same vehicle with passengers, over the routes described above in (1) and (2). The purpose of this application is to obtain additional authority to transport newspapers and express, in the same vehicle with passengers, over these routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-8361; Filed, Aug. 18, 1964; 8:47 a.m.]

[Notice 1031]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 14, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66765. By order of August 11, 1964, the Transfer Board approved the transfer to W. J. Tannahill & Sons, a corporation, Vernon, Calif., of Certificate in Nos. MC 21737 and MC 21737 Sub 3, issued November 7, 1942 and March 12, 1947, respectively, to W. J. Tannahill, M. F. Tannahill, and E. J. Tannahill, doing business as W. J. Tannahill & Sons, Vernon, Calif., authorizing the transportation of: Building materials, from Los Angeles Harbor and Long Beach Harbor, Calif., to points in California as specified, and lumber, from points in the Los Angeles, Calif., commercial zone, to points in California as specified. James Wade, 453 South Spring Street, Los Angeles 13, Calif., attorney for applicants.

No. MC-FC 67027. By order of August 11, 1964, the Transfer Board approved the transfer to Plainfield Trucking, Inc., Plainfield, Wis., of the operating rights issued by the Commission November 15, 1962, under Permit No. MC 119732 Sub 1, to George Zettelmeier, Jr. and Jesse Ruffalo, a partnership, doing business as Plainfield Trucking Co., Plainfield, Wis., authorizing the transportation of: Frozen entrails and meat scraps, not for human consumption, from Sioux Falls, S. Dak., and Ottumwa and Sioux City, Iowa, to Pittsville, Wis., and to points in Wisconsin, Minnesota, and the Upper Peninsula of Michigan; and frozen nutria, not for human consumption, from points in Louisiana and Mississippi, to points in Illinois, Iowa, Minnesota, and the Upper Peninsula of Michigan and Wisconsin, subject to specified restrictions. Edward Solie, 4513 Vernon Boulevard, Madison 5, Wis., attorney for applicants.

No. MC-FC 67050. By order of August 11, 1964, the Transfer Board approved the transfer to Oren E. Simmons and Lamar Simmons, a partnership, doing business as Simmons Truck Line, Overbrook, Kans., of the operating rights in Certificate in No. MC 43174, issued July 6, 1959, to Clayton A. Finlay, Carbondale, Kans., authorized the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Lyndon, Kans., and Kansas City, Mo., and over irregular routes, livestock, feed, molasses, oyster shells, agricultural machinery, twine, fencing and building material, bale ties, paint, hides, furs, wool, and agricultural commodities, between Lyndon, Kans., and points within 10 miles of Lyndon, on the one hand, and, on the other, Kansas City, Kans., and Kansas City, North Kansas City, and Raytown, Mo. John E. Jandera, 641 Harrison Street, Topeka, Kans., attorney for applicants.

No. MC-FC 67055. By order of August 12, 1964, the Transfer Board approved the transfer to Lawrence Trucking, Inc., Red Wing, Minn., of the operating rights of Alton S. Lawrence, Red Wing, Minn., in Certificates Nos. MC 105159 Sub 1, MC 105159 Sub 2, MC 105159 Sub 3, MC 105159 Sub 4, and MC 105159 Sub 13, issued by the Commission June 30, 1945, January 13, 1948, April 14, 1950, August 20, 1951, and May 19, 1964, respectively, authorizing the transportation, over irregular routes, of sewer pipe, sewer pipe fittings, flue lining, wall coping, septic tank pipe, drain tile, fire brick, fire clay, mortar mix, lumber, lath, clay filter media blocks, and clay products, from and to specified points in Iowa, Illinois, Minnesota, Wisconsin, North Dakota, and South Dakota, varying with the commodities indicated. Donald B. Taylor, 4261 Minnehaha Avenue, South Minneapolis 6, Minn., representative for applicants.

No. MC-FC 67092. By order of August 12, 1964, the Transfer Board approved the transfer to John W. Bradley, Cromwell, Conn., of License No. MC 12040 issued July 10, 1941 to Albert F. Reinert, doing business as Alben Forwarding Associates, New York, N.Y., authorizing the brokerage operations in connection with transportation by motor vehicle of general commodities, excluding loose bulk commodities and household goods, between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. John W. Bradley, 4 Prospect Hill Road, Cromwell, Conn., attorney for transferee, Thomas P. Barrett, 52 Vanderbilt Avenue, New York 17, N.Y., attorney for transferor.

No. MC-FC 67141. By order of August 12, 1964, the Transfer Board approved the transfer to Wayne Glodery, 630 South Roosevelt St., Aberdeen, S. Dak., of the operating rights in Certificate No. MC 108189 Sub 1, issued March 18, 1955 to Mulloy D. Mills, doing business as Mills Truck Line, 7 North Jackson Street, Aberdeen, S. Dak., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and certain specified commodities, between Aberdeen and Frankfort, S. Dak., serving specified intermediate points.

No. MC-FC 67144. By order of August 11, 1964, the Transfer Board approved the transfer to Ellis Interstate Corporation, Indio, Calif., of Certificate in No. MC 119075 issued July 16, 1962, to Ellis Transportation Co., a corporation, Indio, Calif., authorizing the transportation of cement over irregular routes, from the plant site of the Permanente Cement Company, at Cushenbury (San Bernardino County), Calif., to points in Clark, Lincoln, and Nye Counties, Nev., and Yuma County, Ariz. Phil Jacobson, 510 West Sixth Street, Los Angeles, Calif., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-8363; Filed, Aug. 18, 1964; 8:47 a.m.]

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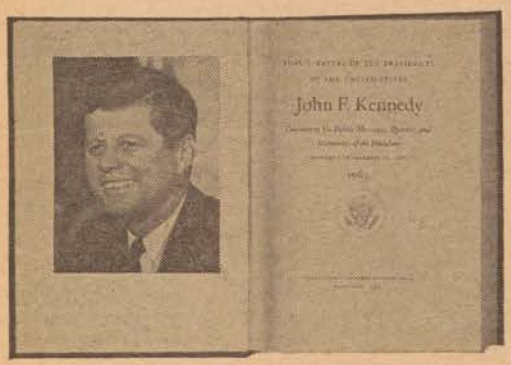

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