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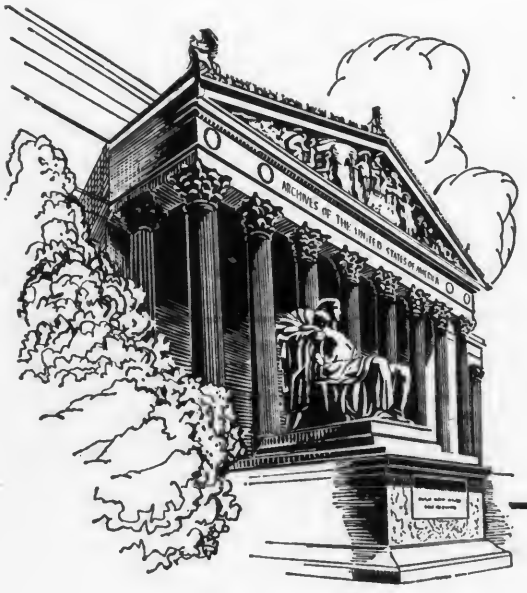

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Beginning August 2, 1965, the General Services Administration inaugurated a new information service, the "Weekly Compilation of Presidential Documents." The service makes available transcripts of the President's news conferences, messages to Congress, public speeches and statements, and other Presidential materials released by the White House up to 5 p.m. of each Friday.

The *Weekly Compilation* was developed in response to many requests received by the White House and the Bureau of the Budget for a better means of distributing Presidential materials. Studies revealed that the existing method of circularization by means of mimeographed releases was failing to give timely notice to those Government officials who needed them most.

The General Services Administration believes that a systematic, centralized publication of Presidential items on a weekly basis will provide users with up-to-date information on Presidential policies and pronouncements. The service is being carried out by the Office of the Federal Register, which now publishes similar material in annual volumes entitled "Public Papers of the Presidents."

The *Weekly Compilation* carries a Monday dateline. It includes an Index of Contents on the first page and a Cumulative Index at the end. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, and a checklist of White House releases.

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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 authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. Section 1.312 is revised and new §§ 1.326, 1.326–1, 1.326–2, 1.326–3, 1.326–4, and 1.326–5 are added, to read as follows:

§ 1.312 Voluntary refunds.

(a) *General.* A voluntary refund is a payment or credit, not required by any contractual or other legal obligation, made to the Government by a contractor or subcontractor either as a payment or as an adjustment under one or more contracts or subcontracts. It may be unsolicited or it may be made in response to a request by the Government. Where it is desired to solicit a voluntary refund from a subcontractor, the prime contractor should be encouraged to facilitate the making of such refund. In deciding whether to solicit a voluntary refund or to accept an unsolicited refund, the contracting officer shall ask legal counsel to review the contract or contracts and all data relevant thereto to determine whether the Government's rights would be jeopardized or impaired by the contracting officer's proposed action.

(b) *Solicited refunds.* Voluntary refunds may be requested during or after contract performance. They shall be requested only when it is considered that the Government was overcharged under a contract or was inadequately compensated for the use of Government-owned property, or in the disposition of contractor inventory, and retention by the contractor or subcontractor of the amount in question would be contrary to good conscience and equity. Generally, retention by the contractor or subcontractor shall not be considered contrary to good conscience and equity, and thus a voluntary refund shall not be requested, unless the overcharge or inadequate compensation was due, at least in part, to the fault of the contractor or subcontractor. The decision to solicit a voluntary refund shall be made by the Secretary concerned.

(c) *Disposition of voluntary refunds.* (1) If a refund is offered prior to final payment, it is preferable that the contract price be appropriately modified to reflect the refund. In such a case, the amount of the refund shall be credited to the applicable appropriation cited in the contract.

(2) In cases where the refund is to be made by check rather than by an adjustment in the contract price, the check shall be made payable to the Treasurer of the United States and shall be forwarded immediately to the comptroller of the appropriate Department, or other Departmental officer responsible for the control of funds. When forwarded, the check shall be accompanied by a letter identifying it as a voluntary refund, giving the number of the contract or contracts involved and, where possible, giving the account number of the appropriation to which the refund should be credited.

§ 1.326 Component breakout.

§ 1.326–1 Scope.

(a) Sections 1.326–1.326–5 set forth guidance for making decisions on whether or not components should be purchased by the Government directly and furnished to an end item contractor as Government-furnished material, for incorporation in the end item. Sections 1.326–1.326–5, however, do not pertain to all such decisions, but only to those which deal with whether components have been included as contractor-furnished material in a previous procurement of the end item should be "broken out" from a forthcoming end item procurement for direct Government purchase. Thus, §§ 1.326–1.326–5 do not pertain to the initial Government-furnished equipment/contractor-furnished equipment decisions that must be made at the inception of a procurement program.

(b) Items procured as spare parts are governed by the "DOD High Dollar Spare Parts Breakout Program" described in DOD Joint Regulation AR 715–22, NAVMATINST P4200.33, AFR 57–6, MCO P4200.13, DSAM 4105.2, and are not covered by § 1.326–1.326–5.

(c) Sections 1.326–1.326–5 apply to procurements of weapons systems or other items of major equipment involving components whose direct purchase by the Government may result in substantial net cost savings over the life of the procurement program. Accordingly, they will seldom be applicable to a procurement of such a system or item of less than $1,000,000. The term "component", as used in §§ 1.326–1.326–5, includes subsystems, assemblies, subassemblies, and other major elements of an end item, but does not include elements of relatively small annual purchase value.

§ 1.326–2 Policy.

Whenever it is anticipated that the prime contract for a weapons system or other major end item will be awarded without adequate price competition, and the prime contractor is expected to acquire a component without such competition, it is Department of Defense policy to break out that component if:

(a) Substantial net cost savings will probably be achieved; and

(b) Such action will not jeopardize the quality, reliability, performance or timely delivery of the end item.

The desirability of breakout should also be considered (regardless of whether the prime contract or the component being purchased by the prime contractor is on the basis of price competition) whenever substantial net cost savings will result (1) from greater quantity purchase or (2) from such factors as improved logistics support through reduction in varieties of spare parts and economies in operations and training through standardization of design. Primary breakout consideration shall be given to those components of the end item representing the highest annual procurement costs and offering the largest potential net savings through breakout.

§ 1.326–3 Responsibility for component breakout selection, review and decision.

The project manager (or if there is no project manager such other official as may be designated by the Head of the Procuring Activity) supported by a project team (to include cognizant engineering, production, logistics, maintenance and other appropriate personnel, and the contracting officer or his designee) shall be responsible for:

(a) Earmarking as susceptible to break out those components potentially conforming to the criteria and policy set forth herein;

(b) Conducting the breakout review and evaluation described in § 1.326–4.

(c) Making the decision whether or not to break out the component; and

(d) Preparing records explaining such decision in compliance with § 1.326–5.

§ 1.326–4 Breakout guidelines.

(a) Each decision on whether or not to break out a component must embrace (1) assessment of the potential risks of degrading the end item through such contingencies as delayed delivery and reduced reliability of the component, (2) calculation of estimated net cost savings (i.e., estimated purchase savings less any offsetting costs), and (3) analysis of the technical, operational, logistic and administrative factors involved. As to each of these, the decision must be supported by adequate explanatory information, including an assessment by, and consultation with, the end item contractor where feasible.

(b) In deciding whether a component should be broken out, the guidelines set forth below (in the form of questions)

should be considered. Answers will rarely be "positively yes" or "positively no" but usually "probably yes" or "probably no," with the degree of probability governed by the facts of the particular case. The decision will depend largely upon the degree and significance of the risks to quality performance, reliability and timely delivery of the end item which would be involved in breakout and upon the estimated overall cost savings. Where the risks, if any, are acceptable and breakout is expected to result in substantial overall cost savings, the component should be broken out. On the other hand, if such risks are unacceptable, the components should not be broken out.

(1) Are the design of the component (and the design of the end item insofar as it will affect the component) sufficiently stable that further design or engineering effort by the end item contractor in respect to the component is unlikely to be required?

(2) Is a suitable data package available for Government procurement? (Note that breakout may be warranted even though competitive procurement is not possible.)

(3) Can any problems of quality control and reliability of the component be resolved without requiring effort by the end item contractor?

(4) Is it anticipated that requirements for technical support (i.e., functions such as development of proposed detailed specifications; development of test requirements to prove design adequacy or compliance with design; monitoring tests to assure compliance with established requirements; definition of quality assurance requirements for production of articles; and analysis and correction of service-revealed deficiencies) heretofore performed by the end item contractor will be negligible? If not, does the Government have the resources (manpower, technical competence, facilities, etc.) to provide such support, or can such support be obtained from the end item contractor (even though the component is broken out) or other source?

(5) Can breakout be accomplished without causing unacceptable difficulties in logistics support (e.g., be jeopardizing requisite standardization of components)?

(6) Can breakout be accomplished without causing overfragmentation of the end item that might materially impede administration, management, and performance of the end item contact (e.g., by unduly complicating production scheduling or identifying (and fixing responsibility for) end item failure that may be caused by a defective component)?

(7) Can breakout be accomplished without jeopardizing delivery requirements of the end item?

(8) If a decision is made to break out a component and to acquire it from a new source, can advance procurement funds be made available to provide that source any necessary additional lead time?

(9) Is there a source other than the present manufacturer capable of supplying the component?

(10) Has the component been (or is it known that it is going to be) purchased directly by the Government as a support item in the supply system or as GFE in other end items?

(11) Would the financial risks and other responsibilities being assumed by the prime contractor that will have to be assumed by the Government if the item is broken out be acceptable?

(12) Will breakout result in substantial net cost savings? Estimates of probable savings in cost should be developed for each case on its own facts, with consideration given to any estimated off-setting costs such as increases in the cost of requirements determination and control, contracting, contract administration, data package purchase, material inspection, qualification or preproduction testing, ground support and test equipment, transportation, security, storage, distribution, and technical support.

(c) If application of the guidelines in paragraph (b) of this section reveals conditions currently unfavorable to breakout, the feasibility of eliminating such conditions should be considered. For example, where adequate technical support is not available from Government resources, or similar assistance must be obtained in order to successfully accomplish breakout, consideration should be given to the procurement of the necessary services, such as product assurance suitability services, from the end item contractor or other qualified source.

§ 1.326–5 Records and review procedure.

The records of the purchasing activity shall contain documentation of:

(a) Those components which have been reviewed and determined to have potential for breakout;

(b) Those components which have been reviewed and earmarked as being susceptible to breakout pursuant to § 1.326–3; and

(c) Those components for which a decision to break out has been made.

Documentation of these three categories, and for those components once earmarked but no longer considered susceptible to breakout, shall be signed by the cognizant project manager or other designated official and reflect the facts and conditions of the case, including any assessment by the contractor, and the basis for the decision. Components that have been earmarked for potential breakout shall be reviewed well in advance of each successive procurement, with a decision made as to whether the component will be broken out for the ensuing procurement. Such reviews, made preferable in the course of requirements determination, but in any event before procurement of the requirement is initiated, shall be repeated until a final decision on whether or not to break out is reached, and shall be documented. When breakout is delayed or postponed, the documentation shall include a description of the actions required to accomplish breakout, identify the activities responsible for such actions, and indicate the fiscal year when breakout should be effected.

2. In § 1.701–4, the table is amended by revising that portion listed under "Major Group 22," 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	1,000
2261	Finishers of broad woven fabrics of cotton	1,000
2271	Woven carpets and rugs	750
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized	1,000
2296	Tire cord and fabric	1,000

* * * * *

3. Sections 1.1003–6(b), 1.1003–9 (a) (2) and (b) (4) (i) and (ii) and the note under (9), and 1.1005–1(b) (1) are revised as follows:

§ 1.1003–6 Synopses of subcontract opportunities.

* * * * *

(b) *By prime contractors and subcontractors.* Prime contractors and subcontractors should be encouraged to use the Commerce Business Daily to publicize opportunities in the field of subcontracting stemming from their defense business. Prime contractors and their subcontractors will be advised to mail subcontract information directly to the U.S. Department of Commerce, Commerce Business Daily, Post Office Box 5999, Chicago, Ill., 60680, under the heading "Subcontracting Assistance Wanted" and in the form of the following example.

XYZ Co., Attention John Z. Smith, Tele. No. Randolph 6–1111, 102 First Avenue, Chicago, Ill., 60607, seeks Subcontractor on items to be used in connection with Contract No. ---------- awarded ----------.
(Date)

Coils, induction, dwg. No. 10–742 --------
10,000 each (name, description and quantity of other items or services may be included as long as contract assistance is desired under the same contract number)—if interested, make inquiry before ----------
(Date)

to above contractor.

§ 1.1003–9 Preparation and transmittal.

(a) * * *

(2) When the use of mail service does not interfere with the intent of allowing interested firms ample time to submit bids, proposals or quotations, or when teletypewriter service is not available, synopses shall be dispatched by airmail or ordinary mail, whichever is considered most expeditious, addressed as follows:

U.S. Department of Commerce, Commerce Business Daily, Post Office Box 5999, Chicago, Ill., 60680.

(b) * * *
(4) * * *

(i) "RDTE," for any procurement classified under Part A;

(ii) The single letter code for procurement actions classified under Part B (use "X" for services which do not fall within the categories cited in Part B); or

* * * * *

(9) * * *

NOTE: The purpose of using "cuts" is to reduce the costs of preparing, transmitting and printing synopses. In order to promote cost reduction, contracting officers are urged to use references to "cuts" in preparing synopses, when applicable. If an existing "cut" does not cover a frequently recurring situation, contracting officers of each Department may request the Commerce Business Daily to establish a new "cut." Requests shall be addressed to:

U.S. Department of Commerce, Commerce Business Daily, Post Office Box 5999, Chicago, Ill., 60680.

* * * * *

§ 1.1005–1 Synopsis of contract awards.

* * * * *

(b) *Preparation and transmittal.* (1) Purchasing officers shall prepare and forward single copies of synopses of contract awards, using the same format as prescribed for synopses of proposed procurements in § 1.1003–9, to the address below, by airmail or ordinary mail whichever is considered most expeditious, before the close of business at the end of each week.

U.S. Department of Commerce, Commerce Business Daily, Post Office Box 5999, Chicago, Ill., 60680.

* * * * *

PART 2—PROCUREMENT BY FORMAL ADVERTISING

4. Section 2.104–4 is revised; new paragraphs (a)(38) and (b)(21) are added to § 2.201; and § 2.202–4 (d), (e), and (h) is revised, as follows:

§ 2.104–4 Indefinite delivery type contracts.

(a) Definite quantity contracts. See § 3.409–1.

(b) Requirements contracts. See § 3.409–2.

(c) Indefinite quantity contracts. See § 3.409–3.

§ 2.201 Preparation of invitation for bids.

* * * * *

(a) * * *

(38) A statement that prospective bidders should indicate in the bid the address to which payment should be mailed, if such address is different from that shown for the bidder. (Contracting officers shall include this information in all resultant contracts which are to be administered by a Defense Contract Administration Services Regional Office.)

(b) * * *

(21) If the contract is for mortuary services, the provision required by § 4.902 of this chapter.

* * * * *

§ 2.202–4 Bid samples.

* * * * *

(d) *Requirements of invitation for bids.* When bid samples are required, the invitation for bids shall (1) state the number and, if appropriate, the size of the samples to be submitted and otherwise fully describe the samples required; (2) list all the characteristics for which the samples will be tested or evaluated (*i.e.*, those characteristics which cannot be described adequately in the applicable specification or purchase description); and (3) include a provision in accordance with paragraph (e) of this section. Where samples are not considered necessary and a waiver of the sample requirements of a specification has been authorized, a statement shall be included in the invitation for bids that notwithstanding the requirements of the specifications, samples will not be required.

(e) *Invitation for bids provision.* When bid samples are required, a provision substantially as follows (modified, if appropriate, in accordance with paragraph (f) of this section) shall be included in the invitation for bids:

BID SAMPLES (OCTOBER 1965)

(a) Bid samples, in the quantities, sizes, etc., required for the items so indicated in this Invitation for Bids, must be furnished as a part of the bid and must be received before the time set for opening bids. Samples will be tested or evaluated to determine compliance with all characteristics listed for such test or evaluation in this Invitation for Bids.

(b) Failure of samples to conform to all such characteristics will require rejection of the bid. Failure to furnish samples by the time specified in the Invitation for Bids will require rejection of the bid, except that a late sample transmitted by mail may be considered under the provision for considering late bids, as set forth elsewhere in this Invitation for Bids.

(c) Products delivered under any resulting contract shall conform to the approved sample as to the characteristics listed for test or evaluation and shall conform to the specifications as to all other characteristics.

* * * * *

(h) *Disposition of samples.* Samples, if not destroyed in testing, shall be returned to bidders at their request and expense, unless otherwise specified in the invitation for bids. See paragraph 3(b) of the Bidding Instructions, Terms, and Conditions (Supply Contract) (Standard Form 33–A).

PART 3—PROCUREMENT BY NEGOTIATION

5. Section 3.202–2(f) is revised; new subparagraphs (58) and (59) are added to § 3.501(b); and new subdivision (xii) is added to § 3.608–2(b)(1), as follows:

§ 3.202–2 Application.

* * * * *

(f) Purchase request citing an issue priority designator 1 through 6 inclusive, under the Uniform Material Movement and Issue Priority System (UMMIPS).

NOTE: Requirements citing an issue priority designator 7 through 20 may justify negotiation under this or other negotiation authority, but in such cases the specific circumstances must be set forth in the determination and findings.

§ 3.501 Preparation of request for proposals or request for quotations.

* * * * *

(b) * * *

(58) If the contract is for mortuary services, the provision required by § 4.902; and

(59) A statement that prospective offerors should indicate in the offer the address to which payment should be mailed, if such address is different from that shown for the offeror. (Contracting officers shall include this information in all resultant contracts which are to be administered by a Defense Contract Administration Services Regional Office.)

§ 3.608–2 Order for supplies or services (DD Forms 1155, 1155r, 1155c, 1155c–1, and 1155s).

* * * * *

(b) *Conditions for use.* (1) * * *

(xii) Where the contract is for mortuary services:

(*a*) The following clauses shall be inserted in the Schedule—

(*1*) The Specification clause in § 7.1201–4 of this chapter;

(*2*) The Delivery and Performance clause in § 7.1201–7;

(*3*) The Subcontracting clause in § 7.1201–8;

(*4*) The Inspection clause in § 7.1201–10;

(*5*) The Professional Requirements clause in § 7.1201–12;

(*6*) The Facility Requirements clause in § 7.1201–13; and

(*7*) The Preparation History clause in § 7.1201–14;

(*b*) The Additional Default Provision clause in § 7.1201–9 shall be inserted in the Schedule, with the following substitution for paragraph (a) and the first sentence of paragraph (b) of that clause:

(a) This clause supplements the "Termination for Default" clause of this contract.

(b) This contract may be terminated for default by written notice if during the performance of this contract:

(*c*) The Changes clause in § 7.1201–15 shall be substituted for paragraph 15 of the Additional General Provisions on DD Form 1155s.

* * * * *

6. Section 3.704–1 is revised; paragraph (c) in § 3.704–2 is revoked; and §§ 3.801–2, 3.801–3, and 3.809 are revised as follows:

§ 3.704–1 Contracts with concerns other than educational institutions.

Insert the following clause in contracts with concerns other than educational institutions where negotiated overhead rates are to be used pursuant to this subpart.

NEGOTIATED OVERHEAD RATES (MARCH 1963)

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment," the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible but not later than ninety (90) days after the expiration of each period specified in the

Schedule, shall submit to the Contracting Officer with a copy to the cognizant audit activity a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Part 2 of Section XV of the Armed Services Procurement Regulation as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (i) the agreed final rates, (ii) the bases to which the rates apply, and (iii) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the Schedule or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, the provisional or billing rates may, at the request of either party, be revised by mutual agreement, either retroactively or prospectively. Any such revision of negotiated provisional rates provided in the Schedule shall be set forth in a modification to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

In the case of a cost-plus-incentive-fee contract, substitute "Allowable Cost, Incentive Fee, and Payment" for "Allowable Cost, Fixed Fee, and Payment" in paragraph (a) of the foregoing clause.

§ 3.704–2 Contracts with educational institutions.

* * * * *

(c) [Revoked]

§ 3.801–2 Responsibility of contracting officers.

(a) Contracting officers, or their authorized representatives acting within the scope of their authority, are the exclusive agents of their respective Departments to enter into and administer contracts on behalf of the Government in accordance with this subchapter and Departmental procedures. Each contracting officer is responsible for performing or having performed all administrative actions necessary for effective contracting. The contracting officer shall avail himself of all appropriate organizational tools such as the advice of specialists in the fields of contracting, finance, law, contract audit, packaging, engineering, traffic management, and price analysis. For purposes of this subpart, the contracting officer is (1) the procuring contracting officer (PCO) or (2) the administrative contracting officer (ACO) when authorized to perform the duties of a procuring contracting officer.

(b) To the extent services of specialists are utilized in the negotiation of contracts, the contracting officer must coordinate a team of experts, requesting advice from them, evaluating their counsel, and availing himself of their skills. The contracting officer shall obtain simultaneous coordination of the specialists' efforts to the extent practical. He shall not, however, transfer his own responsibilities to them. Thus, determination of the suitability of the contract price to the Government always remains the responsibility of the contracting officer.

(c) When the contractor insists on a price or demands a profit or fee which the contracting officer considers unreasonable, the contracting officer shall (1) determine the feasibility of developing an alternate source of supply, and (2) take such other action within his authority as may be appropriate in the circumstances. If, after exhausting the above course of action, a satisfactory solution has not been obtained, the contracting officer shall refer the prospective procurement to higher echelons of the Department. Such referral shall include a complete statement of the attempt made to resolve the matter. With regard to a contractor's refusal to provide cost or pricing data, see § 3.807–6.

(d) The procuring contracting officer shall accomplish the adjustment of price, profit, or fee and shall execute the appropriate contract modification pursuant to incentive or escalation provisions in fixed-price-incentive contracts, cost-plus-incentive-fee contracts and fixed-price contracts with escalation.

§ 3.801–3 Responsibility of other personnel.

(a) *Requirements and other logistics personnel.* Personnel other than the contracting officer, who determine type, quality, quantity, and delivery requirements for item to be purchased, can influence the degree of competition obtainable and exert a material effect upon prices. Failure to determine requirements in sufficient time to allow:

(1) A reasonable period for preparation of requests for proposals;

(2) Preparation of quotations by offerors;

(3) Contract negotiation and preparation; or

(4) Adequate manufacturing lead time,

causes delays in deliveries and uneconomical prices. Requirements issued on an urgent basis or with unrealistic delivery schedules should be avoided since they generally increase prices or restrict desired competition. Personnel determining requirements, specifications, adequacy of sources of supply, and like matters have responsibility in such areas for timely, sound, and economical procurements.

(b) *Pricing personnel.* (1) The contract pricing team available to support the PCO in the review and analysis of pricing proposals includes the price analyst, negotiator, buyer, project engineer, and liaison auditor at the purchasing office, as well as the ACO and other professional and technical specialists at the contract administration and Defense Contract Audit Agency (DCAA) offices. Among the specialists available at these latter offices are the contract auditor, price analyst, engineer, and production, quality assurance, packaging, and transportation specialists. When the PCO delegates authority to the ACO for the pricing and execution of contracts or modifications, the ACO shall have full responsibility for those duties and functions otherwise performed by the PCO. Where the PCO does not delegate such authority, but requires a review and evaluation of the contractor's cost or pricing data (§ 3.807–2), he shall request such pricing support from the contract administration office, and from the contract auditor if an audit report is desired.

(2) The price analyst or negotiator supporting the contracting officer may be designated to develop a Government pricing objective prior to the negotiation. This includes the responsibility for determining the extent of advice required from other specialists, requesting, obtaining, and considering such advice, and for consolidating pricing data, including cost and price analyses, historical cost or pricing data, independent government cost estimates, economic analyses and the like. The advice and assistance of the price analyst/negotiator should always be obtained when complex pricing techniques are indicated, including the use of contract types involving the skillful balancing of price, cost and performance incentive arrangements. In many instances, he will be in the best position to conduct the price negotiation.

(3) When providing pricing support to the PCO, the ACO has primary responsibility for consolidating and evaluating the findings of the pricing team members at the contract administration and audit offices, and for the analysis of proposed prices in consideration of, but not limited to, such factors as the need for quantities and kinds of materials included in the proposal; the need for the number and kinds of man-hours; the need for special tooling and facilities; and the reasonableness of scrap and spoilage factors. These analyses by the ACO and his supporting staff shall be based on their knowledge of production, quality assurance, engineering and manufacturing practices and techniques, and information as to plant capacity, scheduling, engineering and production "know-how," Government property, make-or-buy considerations, and industrial security, particularly as these relate to the practices of the specific prospective contractor.

(4) The contract auditor is responsible for submission of information and advice, based on his analysis of the contractor's books and accounting records or other related data, as to the acceptability of the contractor's incurred and estimated costs. The auditor shall report any denial by the contractor of access to records or cost or pricing data which the auditor considers essential to the preparation of a satisfactory report. If the auditor believes that the contractor's estimating methods or accounting system are inadequate to produce valid support for the proposal or to permit satisfactory administration of the type

of contract contemplated, this shall be stated in the audit report and concurrently made known to the contractor so that he may have the opportunity of presenting his views to the PCO and ACO. Where the PCO determines that deficiencies in the contractor's accounting system or estimating methods are such that the proposed contract cannot be adequately priced or administered, he shall, with the advice of the contract auditor and the ACO, assure that necessary corrective action is initiated prior to the award of such contract. The auditor has responsibility for performing that part of reviews and cost analyses which requires access to the contractor's books and financial records supporting proposed cost or pricing data, regardless of the dollar amount involved. Only the auditor shall have general access to the books and financial records for this purpose. This does not preclude the PCO, the ACO, or their technical representatives from requesting any data from, or reviewing records of, the contractor (such as lists of labor operations, process sheets, etc.) necessary to the discharge of their responsibilities.

(5) In order to provide the contracting officer with maximum support, it is essential that there be close cooperation and communication between the contract auditors and the production and other technical specialists on the staff of the ACO. Such coordination will be accomplished in a manner which will minimize duplication of analysis. (See § 3.809(b)(3).) The analyses by technical and audit personnel are of mutual interest, and information relating thereto shall be exchanged throughout the review process. It is recognized that the duties of auditors and those of other technical specialists in many cases require both to evaluate the same elements of estimated costs. While they shall review the data jointly or concurrently wherever possible, each shall render his services within his own area of responsibility. For example, on quantitative factors (such as labor hours), the auditor will frequently find it necessary to compare proposed hours with hours actually expended on the same or similar products in the past as reflected on the cost records of the contractor. From this information he can often project trend data. The technical specialist may also analyze the proposed hours on the basis of his knowledge of such things as shop practices, industrial engineering, time and motion factors, and the contractor's plant organization and capabilities. The interchange of this information will not only prevent duplication but will assure adequate and complementary analysis.

(6) Pricing based on cost analysis involves, among other things, an appraisal of estimates of costs expected to be incurred in the future. The accounting projection of trends based on cost or pricing data, together with any known changes therein, is only one method of conducting this appraisal, others being:

(i) An engineering appraisal of the need for the estimated labor and material costs and of tooling and facilities, and the reasonableness of scrap and spoilage factors, and

(ii) The preparation of independent estimates by competent technical personnel.

Occasionally, differences of opinion will exist not only on the reasonableness of cost projections but also on the accounting techniques on which they are based. In addition, it is normally not possible to negotiate a pricing result which is in strict accord with all of the opinions of all of the specialists, or even with the Government's pricing objective. Reasonable compromises are normally necessary and this fact must be understood by all members of the team. For all of these reasons audit reports or pricing recommendations by others must be considered to be advisory only. The contracting officer is responsible for the exercise of the requisite judgments and is solely responsible for the final pricing decision. In those instances where the contracting officer does not adopt audit or other specialist recommendations that have particular significance on the contract price, appropriate comments should be included in the record of the negotiation.

(7) Whenever it becomes apparent to the contracting officer that the negotiations will require the resolution of complex problems which involve items significant in amount, he shall request attendance by audit or other appropriate representatives at the negotiation meeting.

§ 3.809 Contract audit as a pricing aid.

(a) *General.* Contract audit services are available in two forms:

(1) The submission of audit reports which set forth the results of auditors' reviews and analyses of cost data submitted by contractors as part of pricing proposals, reviews of contractors' accounting systems, estimating methods, and other related matters, and

(2) Liaison auditors stationed at purchasing and contract administration offices for "on-the-spot" personal consultation and advice to procurement and contract administration personnel in connection with analyses of contractors' cost representations and related matters.

Contract auditors are professional accountants who, although organizationally independent, are the principal advisors to contracting officers on contractor accounting and contract audit matters.

(b) *Auditor's reports on contract price proposals.* (1) Prior to negotiation of a contract or modification resulting from a proposal in excess of $100,000 (including initial prices, estimated costs of cost-reimbursement types, interim and final price redeterminations, escalation, target, and settlement of incentive types) where the price will be based on cost or pricing data (§ 3.807-3) submitted by the contractor, the contracting officer or his authorized representative shall request an audit review by the contract audit activity. Audits should be requested for proposed contracts or modifications of lesser amount only where a valid need exists. The requirement for audit of proposals which exceed the above amount may be waived by the contracting officer whenever it is clear that information already available is adequate for the proposed procurement. In such case, the contract file shall be documented to reflect the reason for any such waiver. The terms "audit review" and "audit" refer to examinations by contract auditors of contractors' statements of actual or estimated costs to the extent deemed appropriate by the auditors in the light of their experience with contractors and relying upon their appraisals of the effectiveness of contractors' policies, procedures, controls and practices. Such audit reviews or audits may consist of desk reviews, test checks of a limited number of transactions, or examinations in depth, at the discretion of the auditor.

(2) The contracting officer shall establish the due date for receipt of the auditor's report and in so doing will allow as much time as possible for the audit work. Within the time available the overall scope and depth of the audit review will be determined by and be the full responsibility of the contract auditor. Any particular areas identified by the contracting officer for special emphasis will be specifically included in the report. Since time is highly important in most negotiation situations, the auditors should give sufficient priority to reports for forward pricing to meet established due dates. If the time available is not adequate to permit satisfactory coverage of the proposal, the auditor will so advise the contracting officer and indicate the additional time needed. The contracting officer will promptly advise the auditor whether the extension of the report due date can be granted.

(3) The PCO shall send the request for review and evaluation of the contractor's proposal directly to the ACO, with copy to the contract auditor, and shall identify any areas where he desires particular pricing effort. The ACO shall advise the auditor of any additional areas recommended for special emphasis and review. If there are audit work program conflicts involving more than one PCO, priorities should be worked out jointly between the auditor and the ACO. In view of the need for coordination of ACO and audit efforts, the technical representatives and the auditor will normally need to coordinate a program for review of the contractor's proposal. (See § 3.801.) When only an audit report is desired, the request shall be forwarded to the appropriate contract auditor either directly or through the liaison auditor, with copy to the ACO.

(4) Reports of technical analysis and review should be furnished to the auditor at the earliest possible date and at least five days prior to the due date of the audit report to enable the auditor to include the financial effect of technical findings in the audit report (for example, the necessary computations of dollar amounts arising from changes in proposed kinds and quantities of materials, labor hours, etc.). In the event the technical analyses are not available

in time to be reflected in the audit report, the audit report shall so state, and this shall be made known to the ACO so that appropriate comments may be incorporated in his submission to the PCO. If technical analyses are received later by the auditor, he shall issue a supplemental report if the status of the negotiation is such that a report would serve a useful purpose. The original of all technical reports received by the auditor shall be made a part of the audit report submitted to the ACO.

(5) The audit report, giving the financial effect of related technical and other evaluations, shall be forwarded by the auditor to the ACO with an advance copy direct to the PCO. The ACO shall transmit to the PCO his analysis of prices, the original audit report, related technical comments, and any other information or analyses specifically requested by the PCO. The ACO shall not modify the audit report. If any information disclosed subsequent to the receipt of the audit report is such as to significantly affect the audit findings, the ACO should promptly advise the auditor, who shall determine whether to issue a supplemental report. A copy of the ACO's submission shall be furnished to the contract auditor. If only an audit report is requested, it shall be transmitted directly, or through the liaison auditor, to the PCO, with copy to the ACO.

(6) If in the opinion of the PCO, ACO, or auditor, the review of a prime contractor's proposal requires audit reviews of subcontractors' cost estimates at the subcontractors' plants (after due consideration of reviews performed by the prime contractor), such reviews should be arranged through audit channels. Criteria as to necessity for audit of subcontracts shall be in accordance with guidelines applicable to prime contracts. Where technical reviews are needed they shall be arranged through ACO channels.

(7) The audit report shall be made a part of the official contract file.

(c) *Additional functions of the contract auditor.* (1) Under Cost-Reimbursement Type Contracts:

(i) The contract auditor is the authorized representative of the contracting officer for the purpose of examining reimbursement vouchers received directly from contractors, transmitting those vouchers approved for provisional payment to the cognizant disbursing officer and issuing DD Forms 396, "Notice of Costs Suspended and/or Disapproved," with a copy to the cognizant ACO, with respect to costs claimed but not considered allowable. In the case of costs suspended, if the contractor disagrees with the suspension action by the contract auditor and the difference cannot be resolved, the contractor may appeal in writing to the cognizant ACO, who will make his determination promptly in writing. In the case of costs disapproved, the DD Form 396 shall include the following statement:

As to any disapproved costs identified herein, this Notice constitutes a final decision of the Contracting Officer, effective sixty days after the date of its receipt by the Contractor, unless the Contractor mails or furnishes to the cognizant Administrative Contracting Officer a written appeal before the expiration of such sixty-day period. If this Notice becomes a final decision of the Contracting Officer by virtue of expiration of the sixty-day period, it may be appealed in accordance with the provisions of the "Disputes" clause of the contract identified above. If the Contractor decides to make such an appeal, written notice thereof (in triplicate) must be mailed or otherwise furnished to the Contracting Officer within thirty days from the date this decision becomes effective. Such notice should indicate that an appeal is intended and should reference this decision and identify the contract by number. The Armed Services Board of Contract Appeals is the authorized representative of the Secretary for hearing and determining such disputes. The rules of the Armed Services Board of Contract Appeals are set forth in the Armed Services Procurement Regulation, Appendix A, Part 2.

If the Contractor appeals in writing to the ACO from a disallowance action by the contract auditor within the sixty-day period mentioned above, the ACO will make his determination in writing, as promptly as practicable, as a final decision of the contracting officer (see § 1.314 of this chapter re decisions under the Disputes clause) and mail or otherwise furnish a copy to the contractor. In addition, the contracting officer may direct the issuance of DD Forms 396, "Notice of Costs Suspended and/or Disapproved," with respect to any cost that he has reason to believe should be suspended or disapproved. The contract auditor will approve fee portions of vouchers for provisional payment in accordance with the contract schedule and any instructions received from the Administrative Contracting Officer. Completion vouchers shall be forwarded to the ACO for approval and transmittal to the cognizant disbursing officer.

(ii) The contract auditor shall be responsible for making appropriate recommendations to the ACO concerning the establishment of interim overhead billing rates, when such rates are provided for in the contract.

(2) Responsibilities for Pre-Award Surveys and Reviews:

(i) Pre-Award surveys of potential contractors' competence to perform proposed contracts shall be managed and conducted by the contract administration office. Where information is required on the adequacy of the contractor's accounting system or its suitability for administration of the proposed type of contract, such information shall always be obtained by the ACO from the auditor. The contract administration office shall be responsible for advising the PCO on matters concerning the contractor's financial competence or credit needs.

(ii) A regular program for conducting reviews of contractors' estimating methods shall be established and managed by the contract audit activities. Individual teams shall have ACO representation. Periodic reviews shall be tailored to take full advantage of the day-to-day work done as an integral part of both the contract audit and contract administration activities.

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

7. New Subpart I is added, as follows:

Subpart I—Procurement of Mortuary Services

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.

§ 4.900 Scope of subpart.

Procurement procedures peculiar to contracts for mortuary services (the care of remains) of military personnel within the United States are set forth in this subpart. These procedures may be used as guidance in areas outside the United States in procuring such services for both deceased military and civilian personnel. Uniform contract clauses for care of remains contracts are set forth or referenced in Subpart L, Part 7 of this chapter.

§ 4.901 Method of procurement.

§ 4.901–1 Procurement by requirements type contract.

By agreement among the military activities involved, one military activity in each geographical area shall contract for the estimated requirements for the care of remains for all activities in the area. Procurement shall be by use of a requirements type contract (see § 3.409–2 of this chapter) when the estimated annual requirements for the individual activity concerned, or for the activities using one contract, are ten or more. Except where negotiation is authorized under Subpart B, Part 3 of this chapter, such contracts shall be formally advertised. The contracts shall be for the fiscal year or a portion thereof ending on 30 June, except for noncontinuous requirements for shorter periods.

§ 4.901–2 Procurement by purchase order.

Where no contract exists, such services shall be obtained by use of DD Form 1155 (Order for Supplies and Services) and DD Form 1155s (Additional General Provisions, Modification, and Accept-

ance) (see § 3.608 of this chapter), inserting in the Schedule the clauses prescribed in § 3.608–2(b)(1)(xii).

§ 4.901–3 Solicitation planning.

Bids or offers for annual requirements for the next fiscal year shall be solicited in January.

§ 4.901–4 Area of performance.

Each contract for care of remains (except port of entry requirements contracts) shall clearly define the geographical area covered by the contract. The area shall be determined by the activity entering into the contract in accordance with the following general guidelines. It shall be an area using political boundaries, streets, or other features as demarcation lines. Generally, this should be a size roughly equivalent to the contiguous metropolitan or municipal area enlarged to include the activities served. In the event the area of performance best suited to the needs of a particular contract is not large enough to include a carrier terminal commonly used by people within such area, the contract area of performance shall specifically state that it includes such terminal as a pickup or delivery point.

§ 4.901–5 Distribution of contracts.

In addition to normal contract distribution, three copies of each contract shall be furnished to each activity authorized to use it, and two copies to each of the following:

(a) Office of the Chief of Support Services, Department of the Army, Attention: SPTS–MD, Washington, D.C., 20315.

(b) Bureau of Medicine and Surgery (454), Department of the Navy, Washington, D.C., 20390.

(c) Headquarters, AFLC (MCPPL), Wright-Patterson AFB, Ohio, 45433.

§ 4.902 Solicitation provision.

Invitations for bids for mortuary services contracts shall contain the provision set forth below. This provision shall be appropriately modified for use in requests for proposals or quotations.

AWARD TO SINGLE BIDDER (OCTOBER 1965)

Subject to the provisions contained herein, award shall be made to a single bidder. Bids must include unit prices for each item listed in order that bids may be properly evaluated. Failure to do this shall be cause for rejection of the entire bid. Bids shall be evaluated on the basis of the estimated quantities shown and award shall be made to that responsible bidder whose total aggregate price is low.

§ 4.903 Schedule formats.

§ 4.903–1 Schedule format for other than port of entry requirements contracts.

Set forth below is an example of a schedule format suitable for use in solicitations for other than port of entry requirements. The estimated quantities are only illustrative.

Item No.	Supplies, services and transportation	Estimated quantity	Unit	Unit price	Amount
1	For a Type I casket, standard size, shipping case, supplies and services in accordance with specifications.	20	Each		
2	For a Type I casket, exceeding standard size, shipping case, supplies and services in accordance with specifications.	4	Each		
3	For a Type II casket, standard size, shipping case, supplies and services in accordance with specifications.	5	Each		
4	For a Type II casket, exceeding standard size, shipping case, supplies and services in accordance with specifications.	2	Each		
5	For transportation of remains, in accordance with specifications and as provided for in paragraphs (b) and (c) of the "Area of Performance" clause of this contract.	200 Loaded miles	Loaded mile.		

§ 4.903–2 Schedule format for port of entry requirements contracts.

Set forth below is an example of a Schedule format suitable for use in solicitations for port of entry requirements. The estimated quantities are only illustrative.

Item No.	Supplies, services and transportation	Estimated quantity	Unit	Unit price	Amount
1	For a Type I casket, standard size, shipping case, supplies and services in accordance with specifications.	30	Each		
2	For a Type I casket, exceeding standard size, shipping case, supplies and services in accordance with specifications.	4	Each		
3	For a Type II casket, standard size, shipping case, supplies and services in accordance with specifications.	5	Each		
4	For a Type II casket, exceeding standard size, shipping case, supplies and services in accordance with specifications.	2	Each		
5	For inspection and/or reprocessing of casketed remains prior to delivery to selected common carrier.	18	Each		
6	For transportation of remains between ---------- and processing facility.	31	Loaded trip each.		
7	For transportation of remains between processing facility and selected common carrier or national cemetery as indicated below: X---------- Y---------- Z----------	 9 10 9	Loaded trip each.		
8	For transportation of remains between processing facility and any point within 100 miles as designated by the contracting officer.	200	Loaded mile.		

PART 7—CONTRACT CLAUSES

8. In § 7.203–4(c), subparagraphs (1) and (4)(iii) are revised to read as follows:

§ 7.203–4 Allowable cost, fee, and payment.

* * * * *

(c)(1) For approvals with regard to fixed-price type subcontracts providing for progress payments, pursuant to paragraph (c) of the foregoing clauses, the standards shall be the same as those governing progress payments on fixed-price type prime contracts, as provided by § 163.83 of this chapter.

* * * * *

(4) * * *

(iii) In contracts which provide for cost-sharing, change paragraph (a) of the clause set forth in paragraph (a) of this section as follows:

(a) the allowability of costs incurred in the performance of this contract shall be determined by the Contracting Officer in accordance with—

(i) Part 2 of Section XV of the Armed Services Procurement Regulation as in effect on the date of this contract; and

(ii) The terms of this contract.

* * * * *

§ 7.203–7 [Amended]

9. In § 7.203–7, the last sentence of paragraph (a), following the clause, is deleted.

10. Section 7.203–12 is revised to read as follows:

§ 7.203–12 Disputes.

Insert the contract clause set forth in § 7.103–12.

11. Sections 7.402–3(c)(1) and 7.605–5 are revised; § 7.606–1(b)(3) is revised and the footnote deleted; and §§ 7.702–10 and 7.702–23 are revised, as follows:

§ 7.402–3 Allowable cost, fee, and payment.

* * * * *

(c) * * *

(1) For approvals with regard to fixed-price type subcontracts providing for progress payments, pursuant to paragraph (c) of the clauses, the standards shall be the same as those governing progress payments on fixed-price type prime contracts, as provided by § 163.83 of this chapter.

* * * * *

§ 7.605–5 Allowable cost, fixed fee, and payment.

Insert the clause set forth in § 7.203–4 (a) with the following changes:

(a) Delete paragraph (a) and substitute the following:

(a) For the performance of this contract, the Government shall pay to the Contractor:

(i) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Section XV, Part 4, of the Armed Services Procurement Regulation as in effect on the date of this contract; and

(B) The terms of this contract; and

(ii) A fixed fee in the amount of _____ Dollars ($_____).

(b) Delete paragraph (c) and substitute the following:

(c) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Payment of the fixed fee, if any, shall be made to the Contractor in installments based upon the percentage of completion of the work as determined from estimates submitted to and approved by the Contracting Officer: *Provided, however,* That after payment of eighty-five percent (85%) of the fixed fee set forth in (a) above, further payment on account of the fixed fee shall be withheld until a reserve of either fifteen percent (15%) of the total fixed fee or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside. (July 1965)

§ 7.606–1 Incentive fee clause for cost-type construction contracts.

* * * * *

(b) * * *

(3) Insert the clause set forth in § 7.203–4(b) entitled "Allowable Cost, Incentive Fee and Payment" with the following changes:

(i) Delete paragraph (a)(1) and substitute: "For the performance of this contract the Government shall pay to the Contractor—

(*a*) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(*1*) Section XV, Part 4, of the Armed Services Procurement Regulation as in effect on the date of this contract; and

(2) The terms of this contract; and

(*b*) A fee in the amount of _____ dollars ($_____) adjusted as provided in (i) below.

(ii) Delete paragraph (a)(2) and substitute: "The target cost and target fee of this contract _____ dollars ($_____) and _____ dollars ($_____) respectively shall be subject to adjustment in accordance with (h) and (i) below. As used herein the term—

(*a*) "Target cost" means the estimated cost, exclusive of the estimated amount of rental for Contractor-owned or controlled equipment, of this contract initially negotiated adjusted in accordance with (h) below; and

(*b*) "Target fee" means the fee which was initially negotiated on the assumption that this contract would be performed for a cost equal to the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below."

(iii) Delete paragraph (c) and substitute the following: "Promptly after receipt of each invoice or voucher and statement of cost the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Payment of the fee shall be made to the Contractor in installments based upon the percentage of completion of the work as determined from estimates submitted to and approved by the Contracting Officer: *Provided, however,* That after payment of ninety-five percent (95%) of the minimum fee provided for in (i) below, further payment on account of the fee shall be withheld until a reserve of either fifteen percent (15%) of the target fee, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside".

(iv) Delete subparagraph (i) and substitute: "The fee payable hereunder shall be the target fee increased by (insert Contractor's participation), cents for each dollar by which the total allowable cost, exclusive of the total rental paid for Contractor-owned or controlled equipment, is less than the target cost; or decreased by (insert Contractor's participation), cents for each dollar by which the total allowable cost, exclusive of the total rental for Contractor-owned or controlled equipment, exceeds the target cost. In no event shall the fee be greater than _____ percent or less than _____ percent of the target cost; and within these limits such fees shall be subject to adjustment by reason of the increase or decrease of the total allowable cost on account of payments under the assignment required by (f)(i) above and claims excepted from the release required by (f)(ii) above."

§ 7.702–10 Allowable cost and payment.

(a) Subject to the instructions set forth in paragraph (b) of this section, insert the following clause.

ALLOWABLE COST AND PAYMENT (JULY 1965)

(a) For the performance of any work, duty, or obligation by the Contractor under this contract which is porvided herein to be at Government expense, the Government shall pay the Contractor the cost thereof, determined by the Contracting Officer to be allowable in accordance with (i) section XV, Part 5, of the Armed Services Procurement Regulation in effect as of the date of this contract; and (ii) the terms of this contract.

(b) Except as otherwise specifically provided in this contract, the failure of this contract to provide for reimbursement shall not preclude the Contractor from including, as part of the price or cost under any other Government contract or subcontract, an allocable portion of the costs incurred in the performance of any work, duty, or obligation under this contract which are not reimbursable hereunder.

(c) Once each month (or at more frequent intervals, if approved by the Contracting Officer), the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(d) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of paragraph (e) below, make payment thereof as approved by the Contracting Officer.

(e) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable cost hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided,* That such claims are not known to the Contractor on the date of the execution of the release: *And provided further,* That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(C) Claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, in-

curred by the Contractor under the provisions of this contract relating to patents.

(b) In paragraph (f)(ii)(B) of the foregoing clause, the period of years may be increased to correspond with any statutory period of limitation applicable to claims of third parties against the contractor; provided, that a corresponding increase is made in the period for retention of records required in paragraph (a)(4) of the clause prescribed by § 7.702–13.

§ 7.702–23 Notice of use of the facilities.

NOTICE OF USE OF THE FACILITIES (OCTOBER 1965)

The Contractor shall notify the Contracting Officer in writing whenever:

(i) Use of the Facilities for Government work is less than seventy-five percent (75%) of the total use of the Facilities;

(ii) Non-Government use of Government-owned machinery and tools (Federal Supply Classification Code numbers 3411–3419 and 3441–3449) having a unit acquisition cost of $500 or more is expected to exceed twenty-five percent (25%) of the total use of such equipment in any rental period; or

(iii) Any item of the Facilities is no longer needed or usable for the purpose of performing Government contracts or subcontracts.

12. Section 7.703–38 is revised; § 7.704–3 is revised and the footnote deleted, and in § 7.901–6, the text following the clause is revised, as follows:

§ 7.703–38 Contract Work Hours Standards Act—overtime compensation.

Insert the contract clause set forth in § 12.303 of this chapter.

§ 7.704–3 Allowable cost and payment.

ALLOWABLE COST AND PAYMENT (JULY 1965)

(a) For the performance of any work, duty, or obligation by the Contractor under this contract, which is provided herein to be at Government expense, the Government shall pay the Contractor the cost thereof, determined by the Contracting Officer to be allowable in accordance with (i) section XV, part 5, of the Armed Services Procurement Regulation as in effect on the date of this contract; and (ii) the terms of this contract.

(b) Except as otherwise specifically provided in this contract, the failure of this contract to provide for reimbursement shall not preclude the Contractor from including, as part of the price or cost under any other Government contract or subcontract, an allocable portion of the costs incurred in the performance of any work, duty, or obligation under this contract which are not reimbursable hereunder.

§ 7.901–6 Payments.

PAYMENTS (JUNE 1965)

* * * * *

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.

13. A new Subpart L is added, to read as follows:

Subpart L—Clauses for Mortuary Services Contracts

AUTHORITY: The provisions of this Subpart L 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.

§ 7.1200 Scope of subpart.

This subpart sets forth uniform contract clauses for mortuary services (care of remains) contracts (see Subpart I, Part 4 of this chapter).

§ 7.1201 Required clauses for other than port of entry requirements contracts.

The following clauses shall be inserted in all care of remains contracts except those for port of entry requirements.

§ 7.1201–1 Requirements.

REQUIREMENTS (OCTOBER 1965)

(a) This is a requirements contract for the supplies or services specified in the Schedule, and for the period set forth in this contract. Delivery of supplies or performance of services shall be made only as authorized by orders issued in accordance with the clause entitled "Delivery Orders and Invoices". The quantities of supplies or services specified herein are estimates only and are not purchased hereby. Except as may be otherwise provided herein, in the event the Government's requirements for supplies or services set forth in the Schedule do not result in orders in the amounts or quantities described as "estimated" or "maximum" in the Schedule, such event shall not constitute the basis for an equitable price adjustment under this contract.

(b) The Government shall order from the Contractor all the supplies, services, and transportation set forth in the Schedule which are required to be purchased by the Government activity named herein, and the Contractor shall furnish to the Government such supplies, services, and transportation as may be ordered by the Contracting Officer. The Government, however, reserves the right not to order supplies and services under this contract in instances where the body is removed from the area for medical, scientific, or other cogent reason. In the event of an epidemic or other emergency, the Contractor shall not be required to provide services in excess of the capacity of his facilities.

§ 7.1201–2 Contract period.

CONTRACT PERIOD (OCTOBER 1965)

Any contract awarded as a result of bids submitted under this Invitation for Bids shall extend from _____ through _____.

§ 7.1201–3 Area of performance.

AREA OF PERFORMANCE (OCTOBER 1965)

(a) The area of performance is specified in Attachment 1 to this contract. This contract includes taking possession of the remains at the place where they are located, transporting them to the Contractor's place of preparation and transporting them thereafter to a place designated by the Contracting Officer. The Contractor shall not be entitled to reimbursement for transportation (see Item 5 of the Schedule) when both the place where the remains were located and the delivery point are within the area of performance.

(b) If remains are located outside the area of performance, the Government may call on the Contractor or obtain the services elsewhere. If the Government calls on the Contractor, the Contractor shall be paid the amount per mile indicated in the Schedule under Item 5 for the number of miles required to transport the remains by a reasonable route from the point where located to the boundary of the area of performance. If the Government elects to have the remains brought into the area of performance by some other means, it may require the Contractor to perform after the remains are within the area of performance.

(c) The Government may require the Contractor to deliver remains to any point within one hundred (100) miles of the area of performance. In this case the Contractor shall be paid the amount per mile indicated in the Schedule under Item 5 for the number of miles required to transport the remains by a reasonable route from the boundary of the area of performance to the delivery point.

§ 7.1201–4 Specifications.

SPECIFICATIONS (OCTOBER 1965)

Armed Services Specifications Care of Remains of Deceased Personnel, hereinafter referred to as "Specifications" are attached hereto and made a part of this contract.

§ 7.1201–5 Using activities.

USING ACTIVITIES (OCTOBER 1965)

Contracting Officers of the following activities may order services and supplies under this contract:

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§ 7.1201–6 Delivery orders and invoices.

DELIVERY ORDERS AND INVOICES (OCTOBER 1965)

Delivery orders for supplies or services shall be issued by the Contracting Officer and shall set forth (i) the supplies or services being ordered, (ii) the quantities to be furnished, (iii) delivery or performance dates, (iv) place of delivery or performance, (v) packing and shipping instructions, and (vi) the address to which invoices for services rendered under this contract shall be sent. Amendments to delivery orders may be made by the Contracting Officer issuing the order. Each delivery order or change order shall cite the funds from which payment for the supplies or services ordered shall be made.

§ 7.1201–7 Delivery and performance.

DELIVERY AND PERFORMANCE (OCTOBER 1965)

Except as otherwise herein provided, the Contractor shall furnish the material ordered and perform the services specified in each case as promptly as possible but in no event later than thirty-six (36) hours after the Contractor has received notification to remove the remains, exclusive of the time necessary for the Government to inspect and check results of preparation. The Government may, at no additional charge, require the Contractor to hold the remains for an additional period not to exceed seventy-two (72) hours from the time the remains are casketed and final inspection completed.

§ 7.1201–8 Subcontracting.

SUBCONTRACTING (OCTOBER 1965)

No contract shall be made by the Contractor with any other party for furnishing any of the work or services herein contracted for without the written approval of the Contracting Officer. This provision does not apply to contracts of employment between the Contractor and his personnel.

§ 7.1201–9 Additional default provision.

ADDITIONAL DEFAULT PROVISION (OCTOBER 1965)

(a) This clause supplements the "Default" clause of this contract.

(b) This contract may be terminated for default by written notice without the ten (10) day notice specified under paragraph (a)(ii) of the "Default" clause if during the performance of this contract:

(i) The Contractor, through circumstances reasonably within his control or that of persons in his employ, performs any act or acts under or in connection with this contract, or fails in the performance of any service under this contract, and such acts or failures may reasonably be considered to reflect discredit upon the Department of Defense in fulfilling its responsibility for proper care of remains;

(ii) The Contractor, either by his own act or through persons in his employ, solicits relatives or friends of the deceased to purchase supplies or services not provided for under this contract (the Contractor may furnish supplies or arrange for services not provided for under this contract, only where such other supplies or services are voluntarily requested, selected and paid for by the representatives of the deceased);

(iii) The services, or any part thereof, to be performed under this contract are, without the written authorization of the Contracting Officer, performed by an individual, partnership, corporation, or other person or business association whatsoever, other than the Contractor to whom this contract is awarded, his employees and members of the firm;

(iv) The Contractor refuses to perform the services required for any particular remains; or

(v) The Contractor advertises in any way that he has a contract for mortuary services with the Government.

(c) All other provisions of the "Default" clause shall apply to a termination made pursuant to this "Additional Default Provision" clause.

§ 7.1201–10 Inspection.

INSPECTION (OCTOBER 1965)

All services, material, and workmanship shall be subject to inspection and test by representatives of the Government. For this purpose, the Contractor shall allow inspectors and other representatives of the Contracting Officer free access to the plant and operations at all reasonable times and shall furnish such facilities, supplies and services, as may be required.

§ 7.1201–11 Group interment.

GROUP INTERMENT (OCTOBER 1965)

Payments to the Contractor for supplies and services provided for remains to be interred as a group shall be made on the basis of the number of caskets furnished rather than on the basis of the number of persons in the group.

§ 7.1201–12 Professional requirements.

PROFESSIONAL REQUIREMENTS (OCTOBER 1965)

The Contractor shall meet all state and local licensing requirements and shall furnish the highest quality of professional services. Preparation and transportation of remains shall be performed in accordance with all applicable Federal, State, and local health laws, statutes, and regulations. The Contractor shall obtain and furnish all necessary health department and shipping permits at no additional cost to the Government and shall insure that all necessary health department permits are in order for disposition of the remains.

§ 7.1201–13 Facility requirements.

FACILITY REQUIREMENTS (OCTOBER 1965)

The Contractor's building shall have complete facilities for maintaining the highest standards of solemnity, reverence, and assistance to the family, and for prescribed ceremonial services. The preparation room shall be clean, sanitary, and adequately equipped. The Contractor shall have, or be able to obtain, catafalques, church trucks and equipment for Protestant, Catholic, and Jewish services. The funeral home, furnishings, grounds and surrounding area shall be carefully maintained so as to present a clean and well-kept appearance.

§ 7.1201–14 Preparation history.

PREPARATION HISTORY (OCTOBER 1965)

For each body prepared, or in the case of group interment for each casket handled, the Contractor shall state briefly the results of the embalming process on a certificate furnished by the Contracting Officer.

§ 7.1201–15 Changes.

CHANGES (OCTOBER 1965)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes in or additions to specifications, issue additional instructions, required modified or additional work or services within the scope of the contract, and change the place of delivery, method of shipment, or the amount of Government-furnished property. If any such change causes an increase or decrease in the cost of, or in the time required for, the performance of this contract, an equitable adjustment shall be made in the contract price, or time of performance, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract. However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

§ 7.1201–16 Definitions.

Insert the clause set forth in § 7.103–1.

§ 7.1201–17 Payments.

Insert the clause set forth in § 7.103–7.

§ 7.1201–18 Assignment of claims.

Insert the clause set forth in § 7.103–8.

§ 7.1201–19 Disputes.

Insert the clause set forth in § 7.103–12(a).

§ 7.1201–20 Renegotiation.

Insert the clause set forth in § 7.103–13(a).

§ 7.1201–21 Officials not to benefit.

Insert the clause set forth in § 7.103–19.

§ 7.1201–22 Covenant against contingent fees.

Insert the clause set forth in § 7.103–20.

§ 7.1201–23 Gratuities.

Insert the clause set forth in § 7.104–16.

§ 7.1201–24 Default.

Insert the clause set forth in § 8.707.

§ 7.1201–25 Federal, State and local taxes.

Insert the clause set forth in § 11.401–1.

§ 7.1201–26 Convict labor.

Insert the clause set forth in § 12.203.

§ 7.1201–27 Contract Work Hours Standards Act—Overtime Compensation.

Insert the clause set forth in § 12.303–1.

§ 7.1201–28 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 12.605.

§ 7.1201–29 Equal opportunity.

Insert the clause set forth in § 12.802 (a).

§ 7.1201–30 Termination for convenience of the government.

Insert the clause set forth in § 8.701(a).

§ 7.1201–31 Interest.

Insert the clause set forth in § 163.118 of this chapter.

§ 7.1202 Clauses to be used when applicable for other than port of entry requirements contracts.

§ 7.1202–1 Examination of records.

Insert the clause set forth in § 7.104–15 in negotiated contracts for mortuary services.

§ 7.1203 Clauses for port of entry requirements contracts.

The clauses prescribed in § 7.1201 and § 7.1202, except the Area of Performance clause in § 7.1201–3, and the Facility Requirements clause in § 7.1201–13, shall be inserted in all care of remains contracts for port of entry requirements. In addition, the Government-Furnished Property (Short Form) clause set forth in § 13.710 shall be inserted.

PART 10—BONDS, INSURANCE, AND INDEMNIFICATION

14. Section 10.110 is revised; in §§ 10.111–1 and 10.111–2, the "Consent of Surety" forms are revised; and Subpart C is revised, as follows:

§ 10.110 Substitution of surety bonds.

A new surety bond may be substituted for a bond previously approved covering part or all of the same obligation when approved, (a) for the Army, by The Judge Advocate General; (b) for the Navy, by the Chief of Naval Material (MAT–213); (c) for the Air Force, by the Air Force Logistics Command (MCJC); and (d) for the Defense Supply Agency, by the Head of a Procuring Activity. When so approved and authorized by the Army, Navy or Defense Supply Agency the principal and surety of the original bond will be notified that the original bond will not be considered as security for any default occurring after the date of acceptance of the new bond. When approved by the Air Force, authority to relieve an original surety of liability for default occurring subsequent to the date of approval of a substitute bond will be obtained from the Commander, Air Force Logistics Command, prior to giving such notification.

§ 10.111–1 Additional bond.

* * * * *

CONSENT OF SURETY AND INCREASE OF PENALTY

Modification No. ----------, dated ----------
Contract No. ----------

The surety [cosureties] hereby consents [consent] to the foregoing contract modification and agrees [agree] that its [their] bond or bonds shall apply and extend to the contract as thereby modified or amended. The principal and the surety [cosureties] further agree that on and after the execution of this consent, the penalty of the aforementioned performance bond or bonds is hereby increased by ---------- dollars ($----------) and the penalty of the aforementioned payment bond or bonds is hereby increased by ---------- dollars ($----------): *Provided, however,* That the increase of the liability of each cosurety resulting from this consent shall not exceed the sums set forth below:

Name of surety	*Increase in liability limit under performance bond*	*Increase in liability limit under payment bond*
----------	----------	----------
----------	----------	----------
----------	----------	----------

---------- Date of execution:
(Signature of individual principal) *

(Type name of individual principal) [SEAL]

(Business address)

---------- Date of execution:
(Corporate principal) *
---------- [Affix corporate seal]

(Business address)
By ----------
(Signature of person executing)

(Type name and title of person executing)

(Corporate surety)

(Business address) [Affix corporate seal]
By ----------
(Signature of person executing)

(Type name and title of person executing)

(Add similar signature blocks for cosureties.)

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*This Consent of Surety and Increase of Penalty shall be executed by the principal or his authorized representative concurrent with the execution of the attached modification to which it pertains. If the individual who signs the consent is signing in a representative capacity (e.g., attorney in fact), but is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved, a Power of Attorney or Certificate of Corporate Principal, as appropriate, shall be submitted with the consent.

§ 10.111–2 Consent of surety.

* * * * *

CONSENT OF SURETY

Modification No ----------, dated----------
Contract No.----------
The surety [cosureties] hereby consents [consent] to the foregoing contract modification and the surety [sureties] agrees [agree] that its [their] bond or bonds shall apply and extend to the contract as thereby modified or amended.

---------- Date of execution:
(Corporate surety)

---------- ----------
(Business address) Affix Corporate Seal
By----------
(Signature of person executing)

(Type name and title of person executing)

(Add similar signature blocks for cosureties.)

Subpart C—Insurance—General

Sec.
10.300 Scope of subpart.
10.301 General.
10.302 Notice of cancellation or change.
10.303 Insurance against loss of or damage to Government property.
10.304 Procedures to be followed in the event of loss or damage to Government property.

AUTHORITY: The provisions of this Subpart C 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.

§ 10.300 Scope of subpart.

This subpart sets forth the general principles and policy applicable to insurance under contracts of the Department for supplies or services.

§ 10.301 General.

Contractors shall be required to carry insurance where:

(a) It is mandatory by law or this subchapter;

(b) It is considered necessary or desirable to utilize the facilities and services of the insurance industry; or

(c) Where commingling of property, type of operations, circumstances of ownership, or conditions of the contract make insurance reasonably necessary for the protection of the Government.

The minimum amounts of coverage required by this subchapter may be reduced when a contract is to be performed outside the United States, its possessions, and Puerto Rico. Where more than one Military Department is involved, the Department responsible for review and approval of a contractor's insurance program shall coordinate with other interested Military Departments prior to taking action on significant insurance matters.

§ 10.302 Notice of cancellation or change.

Where insurance is required by contract provision or in writing by the approving authority, the policies evidencing such insurance shall contain an endorsement to the effect that cancellation or material change in the policies, adversely affecting the interest of the Government in such insurance, shall not be effective unless the written notice as required by the approving authority is given.

§ 10.303 Insurance against loss of or damage to Government property.

Generally a contractor is relieved of liability for loss of or damage to Government property and insurance coverage is not required. This general rule is limited by certain of the contract clauses in Parts 7 and 13 of this chapter. When insurance is required or approved, it may be provided either by separate policies or by inclusion of appropriate coverage in the contractor's existing policies. In either event, the insurance policies shall disclose the Government's interest in the property.

§ 10.304 Procedures to be followed in the event of loss of or damage to Government property.

Upon the happening of loss of or damage to any Government property, concerning which the contractor is relieved of responsibility by contract provision, the procedure shall be as prescribed in subparagraph (g)(3) of the clause in § 13.702 or § 13.703 of this chapter.

15. Section 10.401 is revised; a new paragraph (c) is added to § 10.403; the clause in § 10.404(a) is revised; and §§ 10.405, 10.501, 10.501–1, and 10.501–2 are revised, to read as follows:

§ 10.401 Policy.

Generally the Military Departments are concerned with the insurance program of a fixed price contractor only when special circumstances exist. Examples are:

(a) The contractor is engaged principally in Government works;

(b) The contractor has a separate operation engaged principally in Government work;

(c) Government property of substantial value is involved;

(d) The work is performed within a Government installation;

(e) The Government desires to assume risks for which the contractor ordinarily obtains commercial insurance;

(f) A substantial amount of work is being performed under a fixed-price incentive contract; and

(g) Adequate coverage is not available in the commercial market at a reasonable cost.

§ 10.403 Workmen's compensation insurance overseas.

* * * * *

(c) Requests for waivers shall be submitted through channels, for the Army, to the Labor Advisor, Office of the Assistant Secretary of the Army (I&L), for the Navy, to the Chief of Naval Material (Attention: Contract Insurance Branch), for the Air Force, to the Directorate of Procurement Policy, Headquarters USAF, and for the Defense Supply Agency, to the Executive Director, Procurement and Production. The request for waiver shall include the following:

(1) Name of contractor;

(2) Business mailing address of contractor;

(3) Contract number;

(4) Date of award;

(5) Geographic location where contract will be performed;

(6) Name of insurance company providing the Defense Base Act coverage;

(7) Nationality of employees to whom waiver is to apply; and

(8) Reason for waiver.

§ 10.404 Aircraft—ground and flight risk.

(a) * * *

GROUND AND FLIGHT RISK (OCTOBER 1965)

(a) Notwithstanding any other provisions of this contract, except as may be specifically provided in the Schedule as an exception to this clause, the Government, subject to the definitions and limitations of this clause, assumes the risk of damage to, or loss or destruction of, aircraft "in the open", during "operation", and in "flight", as these terms are defined below, and agrees that the Contractor shall not be liable to the Government for any such damage, loss, or destruction, the risk of which is so assumed by the Government.

(b) For the purposes of this clause:

(i) Unless otherwise specifically provided in the Schedule, the term "aircraft" means—

(A) Aircraft (including (I) complete aircraft, and (II) aircraft in the course of being manufactured, disassembled, or reassembled; provided, that an engine or a portion of a wing or a wing is attached to a fuselage of such aircraft) to be furnished to the Government under this contract (whether before or after acceptance by the Government); and

(B) Aircraft (regardless of whether in a state of disassembly or reassembly) furnished by the Government to the Contractor under this contract;

including all property installed therein, or in the process of installation, or temporarily removed from such aircraft: *Provided, however,* That such aircraft and property are not covered by a separate bailment agreement.

(ii) The term "in the open" means located wholly outside of buildings on the Contractor's premises or at such other places as may be described in the Schedule as being in the open for the purposes of this clause, except that aircraft furnished by the Government shall be deemed to be in the open at all times while in Contractor's possession, care, custody, or control.

(iii) The term "flight" means any flight demonstration, flight test, taxi test, or other flight, made in the performance of this contract, or for the purpose of safeguarding the aircraft, or previously approved in writing by the _____.* With respect to land based aircraft "flight" shall commence with the taxi roll from a flight line on the Contractor's premises, and continue until the aircraft has completed the taxi roll in returning to a flight line on the Contractor's premises; with respect to seaplanes, "flight" shall commence with the launching from a ramp on the Contractor's premises and continue until the aircraft has completed its landing run upon return and is beached at a ramp on the Contractor's premises; with respect to helicopters, "flight" shall commence upon engagement of the rotors for the purpose of take-off from the Contractor's premises and continue until the aircraft has returned to the ground on the Contractor's premises and the rotors are disengaged; and with respect to vertical take-off aircraft, "flight" shall commence upon disengagement from any launching platform or device on the Contractor's premises and continue until the aircraft has been re-engaged to any launching platform or device on the Contractor's premises; *provided,* however, that aircraft off the Contractor's premises shall be deemed to be in flight when on the ground or water only during periods of reasonable duration following emergency landing, other landings made in the performance of this contract, or landings approved by _____* in writing.

(iv) The term "Contractor's premises" means those premises designated as such in the Schedule or in writing by the _____,* and any other place to which aircraft are moved for the purpose of safeguarding the Aircraft.

(v) The term "operation" means operations and tests, other than on any production line, of aircraft, when not in flight, whether or not the aircraft is in the open or in motion during the making of any such operations or tests, and includes operations and tests of equipment, accessories, and power plants, only when installed in aircraft.

(vi) The term "flight crew members" means the pilot, the co-pilot and, unless otherwise specifically provided in the Schedule, the flight engineer, navigator, bombardier-navigator, and defensive systems operator, when required, or assigned to their respective crew positions, to conduct any flight on behalf of the Contractor.

(c) (1) The Government's assumption of risk under this clause, as to aircraft in the open, shall continue in effect unless terminated pursuant to subparagraph (3) below. Where the _____* finds that any of such aircraft is in the open under unreasonable conditions, he shall notify the Contractor in writing of the conditions he finds to be unreasonable and require the Contractor to correct such conditions within a reasonable time.

(2) Upon receipt of such notice, the Contractor shall act promptly to correct such conditions, regardless of whether he agrees that such conditions are in fact unreasonable. To the extent that the Contracting Officer may later determine that such conditions were not in fact unreasonable, an equitable adjustment shall be made in the contract price to compensate the Contractor for any additional costs he incurred in correcting such conditions and the contract shall be

* See footnote at end of clause.

modified in writing accordingly. Any dispute as to the unreasonableness of such conditions or the equitable adjustment shall be deemed to be a dispute concerning a question of the fact within the meaning of the clause of this contract entitled "Disputes."

(3) If the ----------* finds that the Contractor has failed to act promptly to correct such conditions or has failed to correct such conditions within a reasonable time, he may terminate the Government's assumption of risk under this clause, as to any of the aircraft which is in the open under such conditions, such termination to be effective at 12:01 a.m., on the fifteenth day following the day of receipt by the Contractor of written notice thereof. If the Contracting Officer later determines that the Contractor acted promptly to correct such conditions or that the time taken by the Contractor was not in fact unreasonable, an equitable adjustment shall, notwithstanding paragraph (f) of this clause, be made in the contract price to compensate the Contractor for any additional costs he incurred as a result of termination of the Government's assumption of risk under this clause and the contract shall be modified in writing accordingly. Any dispute as to whether the Contractor failed to act promptly to correct such conditions, or as to the reasonableness of the time for correction of such conditions, or as to such equitable adjustment, shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(4) In the event the Government's assumption of risk under this clause is terminated in accordance with (3) above, the risk of loss with respect to Government-furnished property shall be determined in accordance with the clause of this contract, if any, entitled "Government Property" until the Government's assumption of risk is reinstated in accordance with (5) below.

(5) When unreasonable conditions have been corrected, the Contractor shall promptly notify the Government thereof. The Government may elect to again assume the risks and relieve the Contractor of liabilities as provided in this clause, or not, and the ----------* shall notify the Contractor of the Government's election. If, after correction of the unreasonable conditions the Government elects to again assume such risks and relieve the Contractor of such liabilities, the Contractor shall be entitled to an equitable adjustment in the contract price for costs of insurance, if any, extending from the end of the third working day after the Contractor notifies the Government of such correction until the Government notifies the Contractor of such election. If the Government elects not to again assume such risks, and such conditions have in fact been corrected, the Contractor shall be entitled to an equitable adjustment for costs of insurance, if any, extending after such third working day.

(d) The Government's assumption of risk shall not extend to damage to, or loss or destruction of, such aircraft:

(i) resulting from failure of the Contractor, due to willful misconduct or lack of good faith of any of the Contractor's managerial personnel, to maintain and administer a program for the protection and preservation of aircraft in the open, and during operation, in accordance with sound industrial practice (the term "Contractor's managerial personnel" means the Contractor's directors, officers, and any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operations at any one plant or separate location at which this contract is performed, or a separate and complete major industrial operation in connection with the performance of this contract);

(ii) sustained during flight if the flight crew members conducting such flight have not been approved in writing by the------*;

(iii) while in the course of transportation by rail, or by conveyance on public streets, highways, or waterways, except for Government-furnished property;

(iv) to the extent that such damage, loss or destruction is in fact covered by insurance;

(v) Consisting of wear and tear, deterioration (including rust and corrosion), freezing, or mechanical, structural, or electrical breakdown or failure, unless such damage is the result of other loss, damage, or destruction covered by this clause: *Provided, however,* In the case of Government-furnished property, if such damage consists of reasonable wear and tear or deterioration, or results from inherent vice in such property, this exclusion shall not apply;

(vi) Sustained while the aircraft is being worked upon and directly resulting therefrom, including but not limited to any repairing, adjusting, servicing or maintenance operation, unless such damage, loss, or destruction, is of a type which would be covered by insurance which would customarily have been maintained by the Contractor at the time of such damage, loss, or destruction, but for the Government's assumption of risk under this clause; or

(vii) Under this clause, where the total loss resulting from each event separately occurring is less than $500.

(e) A subcontractor shall not be relieved from liability for damage to, or loss or destruction of, aircraft while in his possession or control, except to the extent that the subcontractor, with the prior written approval of the Contracing Officer, provides for relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of such aircraft in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of this contract. Where a subcontractor has not been relieved from liability for any damage, loss, or destruction of aircraft and any damage, loss, or destruction occurs, the Contractor shall enforce the liability of the subcontractor for such damage to, or loss or destruction of, the aircraft for the benefit of the Government.

(f) The Contractor warrants that the contract price does not and will not include, except as may be otherwise authorized in this clause, any charge or contingency reserve for insurance (including self-insurance funds or reserves) covering any damage to, or loss or destruction of, aircraft while in the open, during operation, or in flight, the risk of which has been assumed by the Government under the provisions of this clause, whether or not such assumption may be terminated as to aircraft in the open.

(g) In the event of damage to, or loss or destruction of, aircraft in the open, during operation, or inflight, the Contractor shall take all reasonable steps to protect such aircraft from further damage, separate damaged and undamaged aircraft, put all aircraft in the best possible order and, further, except in cases covered by (d) (vii) above, the Contractor should furnish to the ----------* a statement of:

(i) The damaged, lost, or destroyed aircraft;

(ii) The time and origin of the damage, loss or destruction;

(iii) All known interests in commingled property of which aircraft are a part; and

(vi) The insurance, if any, covering any part of the interest in such commingled property.

Except in cases covered by (d) (vii) above, an equitable adjustment shall be made in the amount due under this contract for expenditures made by the Contractor in performing his obligations under this paragraph (g) and this contract shall be modified in writing accordingly.

(h) If prior to delivery and acceptance by the Government any aircraft is damaged, lost, or destroyed and the Government has under this clause assumed the risk of such damage, loss or destruction, the Government shall either (1) require that such aircraft be replaced or restored by the Contractor to the condition in which it was immediately prior to such damage, or (2) shall terminate this contract with respect to such aircraft. In the event that the Government requires that the aircraft be replaced or restored, an equitable adjustment shall be made in the amount due under this contract and in the time required for its performance, and this contract shall be modified in writing accordingly. If, in the alternative, this contract is terminated under this paragraph with respect to such aircraft and under this clause the Government has assumed the risk of such damage, loss, or destruction, the Contractor shall be paid the contract price for said aircraft (or, if applicable, any work to be performed on said aircraft) less such amounts as the Contracting Officer determines (1) that it would have cost the Contractor to complete the aircraft (or any work to be performed on said aircraft) together with anticipated profit, if any, on any such uncompleted work, and (2) to be the value, if any, of the damaged aircraft or any remaining portion thereof retained by the Contractor. The Contracting Officer shall have the right to prescribe the manner of disposition of the damaged, lost, or destroyed aircraft, or any remaining parts thereof; and, if any additional costs of such disposition are incurred by the Contractor, a further equitable adjustment will be made in the amount due to the Contractor. Failure of the parties to agree upon an equitable adjustment or upon the amount to be paid in the event of termination of the contract with respect to any aircraft, shall be a dispute concerning a question of fact within the meaning of the Disputes clause of this contract.

(i) In the event the Contractor is at any time reimbursed or compensated by any third person for any damage, loss, or destruction of any aircraft, the risk of which has been assumed by the Government under the provisions of this clause and for which the Contractor has been compensated by the Government, he shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such damage, loss, or destruction and, upon the request of the ----------,* shall at the Government's expense furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment or subrogation in favor of the Government) in obtaining recovery.

* * * * *

*In the foregoing clause, insert in contracts of the Department of the Army, the Department of the Navy, the Department of the Air Force, and in contracts to be administered by the Defense Contract Administration Services the activity designated in combined regulation identified as Air Force Regulation 84–7, Army Regulation 95–20, BUWEPS Instruction 3710.6A, Defense Supply Agency Regulation 8210.1, dated 18 November 1964, subject, Requirements for Contractor Operating Procedures and Flight Crews, enclosure 1.

* See footnote at end of clause.

§ 10.405 Work on a Government installation.

(a) Any solicitation for a contract requiring performance of construction, repair, or utilities work on a Government installation shall state the minimum insurance coverage required and inform the bidder that the resulting contract shall require the contractor or subcontractor doing such work to furnish a Certificate of Insurance or a statement in writing to the contracting officer of any required insurance, including but not limited to, workman's compensation and employers' liability insurance, comprehensive general liability, and comprehensive automobile liability insurance. Such certificates or statements shall reflect at least the minimum limits of liability set forth in the solicitation. The minimum coverage identified in § 10.501 shall ordinarily be considered to be the minimum requirement. If a contract requires repetitive or continuous performance on a Government installation, the contracting officer may also require the contractor to carry such insurance as may be applicable under the circumstances.

(b) Certificates of Insurance or statements, together with any renewals, shall cover the full period of contract performance.

(c) The foregoing requirements shall not apply to contracts of $2,500 or less, or to work to be performed outside the United States, its possessions, and Puerto Rico, unless determined to be necessary by the contracting officer.

§ 10.501 Policy.

The types of insurance listed below, with the minimum amounts of liability indicated, ordinarily shall be required in cost-reimbursement contracts and subcontracts thereunder where the provisions of the prime contract are extended to the subcontract. An approved program of self-insurance, as provided in § 10.502, may be substituted for any of the types of insurance ordinarily required.

§ 10.501–1 Workmen's compensation and employers' liability insurance.

Compliance with applicable workmen's compensation and occupational disease statutes shall be required. In jurisdictions where all occupational diseases are not compensable under applicable law, insurance for occupational disease shall be required under the employers' liability section of the insurance policy; however, such additional insurance shall not be required where contract operations are comingled with the contractor's commercial operations so that it would be impracticable to require such coverage. Employers' liability coverage in the minimum amount of $100,000 shall be required except in States with exclusive or monopolistic funds which do not permit the writing of workmen's compensation by private carriers (Nevada, North Dakota, Ohio, Oregon, Washington, West Virginia, and Wyoming). The clause in § 10.403(a) shall be included in all public work contracts as described therein to be performed outside the United States.

§ 10.501–2 General liability insurance.

Bodily injury liability insurance, in the minimum limits of $50,000 per person and $100,000 per accident shall be required on the comprehensive form of policy; however, property damage liability insurance ordinarily shall not be required.

16. The clause in § 10.504(a) is revised; §§ 10.505, 10.600, and 10.601 are revised; the introductory text of § 10.602 is revised; and §§ 10.603 and 10.604 are revised, as follows:

§ 10.504 Aircraft flight risk.

(a) * * *

FLIGHT RISKS (OCTOBER 1965)

(a) Notwithstanding any other provision of this contract, and particularly subparagraph (g)(1) of the Government Property clause and paragraph (c) of the Insurance—Liability to Third Persons clause, the Contractor shall not (i) be relieved of liability for, damage to, or loss or destruction of, aircraft sustained during flight, or (ii) be reimbursed for liabilities to third persons for loss of or damage to property, or for death or bodily injury, which are caused by aircraft during flight, unless the flight crew members have previously been approved in writing by _____.*

(b) For the purposes of this clause:

(i) Unless otherwise specifically provided in the Schedule, the term "aircraft" means any aircraft, whether furnished by the Contractor under this contract (either before or after acceptance by the Government) or furnished by the Government to the Contractor under this contract, including all Government Property placed or installed therein or attached thereto: *Provided, however,* That such aircraft and property are not covered by a separate bailment agreement.

(ii) The term "flight" means any flight demonstration, flight test, taxi test, or other flight, made in the performance of this contract, or for the purpose of safeguarding the aircraft, or previously approved in writing by the _____.* As to land based aircraft, "flight" shall commence with the taxi roll from a flight line and continue until the aircraft has completed the taxi roll to a flight line; as to sea planes, "flight" shall commence with the launching from a ramp and continue until the aircraft has completed its landing run and is beached at a ramp; as to helicopters, "flight" shall commence upon engagement of the rotors for the purpose of take-off and continue until the aircraft has returned to the ground and rotors are disengaged; and for vertical take-off aircraft, "flight" shall commence upon disengagement from any launching platform or device and continue until the aircraft has been reengaged to any launching platform or device.

(iii) The term "flight crew members" means the pilot, the co-pilot and, unless otherwise specifically provided in the Schedule, the flight engineer, navigator, bombardier-navigator, and defense systems operator, when required, or assigned to their respective crew positions, to conduct any flight on behalf of the Contractor.

(c) If any aircraft is damaged, lost, or destroyed during flight, and if the amount of such damage, loss, or destruction exceeds one hundred thousand dollars ($100,000) or twenty percent (20%) of the estimated cost (exclusive of any fee) of this contract, whichever is less, and if the Contractor is not liable for the damage, loss or destruction pursuant to the "Government Property" clause of this contract together with paragraph (a) above, then an equitable adjustment for any resulting repair, restoration, or replacement that is required under this contract shall be made (i) in the estimated cost, delivery schedule, or both, and (ii) in the amount of any fee to be paid to the Contractor, and the contract shall be modified in writing accordingly; provided, in determining the amount of adjustment in the fee that is equitable, any fault of the Contractor, his employees, or any subcontractor, which materially contributed to the damage, loss, or destruction shall be taken into consideration. Failure to agree on any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

* See footnote at end of clause.

* * * * *

§ 10.505 Group insurance plans under cost-reimbursement type contracts.

(a) Group insurance plans under cost-reimbursement contracts shall be submitted for approval to the Heads of Procuring Activities for the Department of the Army; the Chief of Naval Material (Attention: Contract Insurance Branch) for the Department of the Navy; Air Force Systems Command, Attention: SCKPF, for the Department of the Air Force; and the Executive Director, Procurement and Production for the Defense Supply Agency. Changes in the benefits provided under an approved plan that can reasonably be expected to increase significantly the costs being charged to the Government shall be submitted as provided above for approval. Provision shall also be made for the Government to participate in all premium refunds or credits paid or otherwise allowed to the contractor, as required by § 15.201–5 of this chapter. In determining the extent of the Government's participation in such premium refunds or credits, consideration shall be given to any special reserves and other refunds that may subsequently be paid to the contractor.

(b) The Defense Department Group Term Insurance Plan is available for use by cost-reimbursement type contractors. A contractor is eligible only if the number of covered employees is 500 or more, and (1) the contractor is wholly engaged in operations under eligible contracts, or (2) 90 percent or more of the payroll of contractor's operations to be insured under the Plan arises under eligible contracts. Insurance policies under this plan shall be submitted for approval to the Army Materiel Command, Attention: AMCPP–S, for the Department of the Army; the Chief of Naval Material, Attention: Contract Insurance Branch, for the Department of the Navy; Air Force Systems Command, Attention: SCKPF,

*In the foregoing clause, insert in contracts of the Department of the Army, the Department of the Navy, the Department of the Air Force, and in contracts to be administered by the Defense Contract Administration Services the activity designated in combined regulation identified as Air Force Regulation 84–7, Army Regulation 95–20, BUWEPS Instruction 8710.6A, Defense Supply Agency Regulation 8210.1, dated 18 November 1964, subject, Requirements for Contractor Operating Procedures and Flight Crews, enclosure 1.

for the Department of the Air Force; and the Executive Director, Procurement and Production for the Defense Supply Agency.

§ 10.600 Scope of subpart.

This subpart sets forth principles and requirements for use of the National Defense Projects Rating Plan which is available for application on both domestic and foreign contracts, which meet the eligibility requirements set forth herein. This plan provides a special rating formula for the purchase of the casualty insurance coverages listed in §§ 10.501–1 through 10.501–3 and is mandatory as to contracts which meet the use and eligibility standards in § 10.603. Construction subcontractors whose contracts provide that the prime contractor shall furnish insurance, and whose operations are at the project site, shall be included automatically in the prime contractor's rating plan policies for similar coverage. Construction subcontractors whose operations are away from the project site shall not be included in the prime contractor's rating plan.

§ 10.601 Purpose of plan.

This plan is designed to utilize the services and organizations of the insurance industry for safety engineering and the handling of claims arising under eligible contracts at a minimum cost to the Government.

§ 10.602 Description of plan.

This plan is effected by endorsements attached to standard insurance policy forms for workmen's compensation, employer's liability, general liability, and automobile liability. The rating plan provides for a fixed deposit premium, for a reduced rate of current premium payments, for yearly adjustments of the premium depending upon loss experience during the period, and for final adjustment of the premium based upon the experience of the entire period covered by the policies. The final adjustment may be deferred for a maximum of 68 months after expiration of the policies. The total adjusted premium is the sum of the following:

* * * * *

§ 10.603 Use and eligibility for plan.

The rating plan described in this subpart shall be applied to all eligible defense projects where such application is determined by the Army Materiel Command, Attention: AMCPP–PS, for the Department of the Army; the Chief of Naval Material, Attention: Contract Insurance Branch, for the Department of the Navy; Air Force Systems Command, Attention: SCKPF, for the Department of the Air Force; and the Executive Director, Procurement and Production for the Defense Supply Agency, to be in the best interest of the Government. The rating plan may be applied to cost-reimbursement type contracts and also, in appropriate cases, to fixed-price contracts with price redetermination provisions. A defense project is eligible for application of a plan when (a) eligible Government contracts represent, at inception of the plan, at least 90 percent of the payroll for total operations at the specific locations of the project; and (b) the annual premium for insurance is estimated to be at least $10,000. A defense project may include contracts awarded by more than one Department to the same contractor.

§ 10.604 Agreement for settlement of premiums under National Defense Projects Rating Plan.

The following agreement shall be used for accomplishing the assignment to the Government of the interest in return premiums, premium refund, etc., on insurance policies issued under the National Defense Projects Rating Plan, upon termination or completion of the contract, when the Government has assumed the payment of the contractor's obligation for further premium payment under such policies:

ASSIGNMENT-ASSUMPTION OF PREMIUM OBLIGATIONS

It is agreed that 100 percent* of the return premiums and premium refunds (and dividends) due or to become due the prime contractor under the policies to which the National Defense Projects Rating Plan Endorsement made a part of policy_____ applies are hereby assigned to and shall be paid to the United States of America, and the prime contractor directs the Company to make such payments to the Treasurer of the United States acting for and on account of the United States of America.

The United States of America hereby assumes and agrees to fulfill all present and future obligations of the prime contractor with respect to the payment of 100 percent* of the premiums under said policies.

This agreement, upon acceptance by the prime contractor, the United States of America and the Company shall be effective from _____

Accepted:

_____ (Date)

_____ (Title of official signing)

By _____ (Name of insurance company)

UNITED STATES OF AMERICA

Accepted:

_____ (Date)

By _____ (Authorized representative)

_____ (Prime contractor)

By _____ (Authorized representative)

Accepted:

_____ (Date)

* In the event the Government has less than a 100 percent interest in premium refunds or dividends, the assignment shall be appropriately modified to reflect the percentage of interest and of the extent of the Government's assumption of additional premium obligation.

PART 12—LABOR

17. A new § 12.305 is added and § 12.404–2(a) is revised, as follows:

§ 12.305 Variations—firefighters and fireguards.

The following variation in the application of the Contract Work Hours Standards Act to firefighters and fireguards has been authorized by the Solicitor of Labor (see CFR 5.14(d)):

A workday consisting of a fixed and recurring 24-hour period commencing at the same time on each calendar day may be used in lieu of the calendar day in applying the daily overtime provisions of the Act to the employment of firefighters or fireguards under the following conditions:

(i) Where such employment is under a platoon system requiring such employees to remain at or within the confines of their post of duty in excess of eight hours per day in a standby or on-call status; and

(ii) If the use of such alternate 24-hour day has been agreed upon between the employer and such employees or their authorized representatives before performance of the work; and

(iii) Provided, that in determining the daily and weekly overtime requirements of the Act in any particular workweek of any such employee whose established workweek begins at an hour of the calendar day different from the hour when such agreed 24-hour day commences the hours worked in excess of 8 hours in any such 24-hour day shall be counted in the established workweek (of 168 hours commencing at the same time each week) in which such hours are actually worked.

Contractors employing firefighters and fireguards may therefore satisfy their obligations under the Contract Work Hours Standards Act by employing such employees in compliance with either the express requirements of § 12.303–1 or the foregoing variation.

§ 12.404–2 Wage determinations.

(a) *Requests for.* Requests for the determination of wage rates by the Secretary of Labor shall be submitted on Department of Labor Form DB–11 (Rev. 7–64) in accordance with the instructions contained in 29 CFR 5.3. Line 4 of the Form DB–11 provides for designation of the three most common types of construction (Building, Heavy, Highway Construction). Where a different type of work (such as family housing construction) is to be performed, it shall be indicated on line 4 of the DB–11 in lieu of checking any of the blocks contained on that line. When the request indicates a type of construction other than building, heavy or highway, it is of particular importance, in order to avoid delay, that the request be accompanied by (1) any pertinent wage payment information which may be available, and (2) a copy of the pertinent portions of the specifications or a detailed description of the work to be performed. Where the Secretary of Labor has issued a general wage determination, request should be submitted only when the type of work to be performed is not included in the description of work set forth in the decision. Requests should ordinarily be submitted at least thirty calendar days before required for the advertisement or negotiation of the contract for which the determination is sought. The requesting officer will examine the wage determination decision immediately after receiving it and will inform the appropriate Departmental Headquarters office if any changes appear to be necessary or appropriate to correct errors or to reflect the wage rates for the particular type of work to be per-

formed. Departmental Headquarters offices shall take such action as is necessary and shall keep the OASD (Manpower) Director of Industrial Relations informed.

* * * * *

PART 16—PROCUREMENT FORMS

18. Sections 16.203, 16.203–1, 16.203–2 (a) and (d), and 16.206 are revised, as follows:

§ 16.203 Request for Proposals and Proposal, Schedule/Continuation Sheet Amendment to Request for Proposals, Acceptance of Proposal (DD Forms 746, 746–1 or 1155c or Standard Form 36 or Blank Sheet, DD Forms 746s, 746–2).

§ 16.203–1 General.

The following forms are prescribed for use under the conditions set forth in § 16.203–2 in effecting negotiated fixed-price procurement of supplies or services (other than personal):

(a) Request for Proposals and Proposal (Negotiated Fixed-Price Contract) (DD Form 746); (Reverse side of DD Form 746r);

(b) Schedule, Request for Proposals and Proposal (DD Form 746–1 until Departmental stocks on hand are exhausted, at which time DD Form 1155c or, as prescribed in § 16.202(f), Standard Form 36 or a blank sheet, whichever is appropriate, may be used as the Schedule/Continuation Sheet with DD Forms 746, 746s and 746–2);

(c) General Provisions (Supply Contract) (Standard Form 32) (only when procuring supplies);

(d) Any other forms containing contract provisions which are prescribed by this subchapter or Departmental procedures;

(e) Acceptance of Proposal (Negotiated Fixed-Price Contract) (DD Form 746–2);

(f) Continuation Sheet (see paragraph (b) of this section); and

(g) Amendment to Request for Proposals (DD Form 746s) when needed.

§ 16.203–2 Conditions for use.

(a) DD Form 746 and 746–1 or other appropriate Schedule/Continuation Sheet as prescribed in § 16.203–1(b) (together with authorized contract provisions) shall be used in connection with the negotiation of fixed-price contracts for supplies or services (other than personal) when it appears desirable to commence negotiations by soliciting written offers which, if there is written acceptance by the Government, would create a binding contract without further action. Prospective offerors shall be requested to return only two signed copies of their proposals. Pending revision of the DD Form 746r (1 December 1963 edition), a current listing of alterations to DD Form 746r is contained in F–200.746.

* * * * *

(d) Standard Form 32, if applicable, and any other general provisions may be attached to each copy of the Request for Proposals. Alternatively, one copy only of Standard Form 32 and any other general provisions need be furnished to each supplier, for retention, if such provisions are specifically incorporated by reference, including each form name, number and date, in the Schedule/Continuation Sheet of the DD Form 746. Provisions which are inapplicable to a particular procurement, or to military procurements generally, may be deleted by appropriate reference in an "Alterations in Contract" clause.

* * * * *

§ 16.206 Contract Pricing Proposal (DD Forms 633, 633–1, 633–2, and 633–3).

[Rev. 13, ASPR, Oct. 1, 1965] (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. 65–12849; Filed, Dec. 1, 1965; 8:45 a.m.]

SUBCHAPTER M—MISCELLANEOUS

PART 230—CREDIT UNIONS SERVING DEPARTMENT OF DEFENSE PERSONNEL

In Subchapter M—Miscellaneous, a new Part 230 is added and was approved by the Deputy Secretary of Defense on August 27, 1965:

Sec.
230.1 Purpose.
230.2 Applicability.
230.3 Responsibility.
230.4 Policy.
230.5 Credit union operations in the Department of Defense.
230.6 Property and logistic support.
230.7 Utilization of military real property and space.
230.8 Implementation.

AUTHORITY: The provisions of this Part 230 issued under 12 U.S.C., 1751 et. seq. and 5 U.S.C. 22.

§ 230.1 Purpose.

This part:

(a) Sets forth Department of Defense (DOD) policy on cooperation and relationships with credit unions serving military and civilian personnel in the United States, the District of Columbia, the possessions of the United States, the Canal Zone, and Puerto Rico;

(b) Prescribe the extent of logistical and administrative assistance to be uniformly provided by DoD components; and

(c) Assigns responsibility for the policy direction of the credit union program.

§ 230.2 Applicability.

The provisions of this part apply to all DoD components.

§ 230.3 Responsibility.

Subject to the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Manpower) (ASD (M)) shall administer the provisions of this part and assure its effective implementation throughout the DoD.

§ 230.4 Policy.

(a) *Credit unions encouraged in the Department of Defense—(1) Federal Government policy.* Federal Government policy regarding credit unions is stated in the Federal Credit Union Act (12 U.S.C., 1751 et seq.) and the U.S. Government Organization Manual.

(i) To establish convenient credit union facilities as cooperative organizations created for the purpose of stimulating systematic savings and creating a source of credit for provident or productive purposes.

(ii) To emphasize self-help and wise management of resources, thereby raising the standard of living, strengthening the family unit and increasing the self-reliance of the member.

(2) *Department of Defense policy.* The DoD:

(i) Recognizes the right of all military and civilian personnel to organize and affiliate with credit unions, without restriction or discrimination, formed pursuant to the Federal Credit Union Act (12 U.S.C., 1751 et seq.) or other duly constituted authority.

(ii) Will provide appropriate guidance and assistance in conduct of credit union operations.

(iii) Permits and encourages the operation of one credit union at each DoD installation without charge for accomodations when space is available: *Provided,* The commander responsible for allocating the space has determined that the credit union permits membership for all qualified military and civilian personnel without discrimination including, but not limited to, grade, rank, race, component, etc. At those installations where the credit union will not meet the foregoing standards of membership, commanders may encourage the formation of a second credit union which will meet the standards, and thereby receive the benefits of this Directive. With the approval of the membership involved and the regulatory authorities as stated in paragraph (c) of this section, mergers may also be accomplished to better serve the total Defense Community stationed on the installation.

(b) *Recognition of and Assistance to Credit Unions.* Credit unions organized by and for Defense military and civilian personnel are to be recognized and assisted at all echelons as important morale and welfare resources, and organized by law and regulation as cooperative associations for mutual benefit and self-help by:

(1) Encouraging and accumulation of savings and the granting of loans for provident purposes at reasonable rates of interest;

(2) Inculcating habits of thrift;

(3) Combating usury or the patronage of lenders who charge exorbitant rates of interest;

(4) Analyzing consumer credit problems including the true costs of installment buying;

(5) Counseling in family financial planning; and

(6) Providing experience in organization management and administration.

(c) *Organization of credit unions serving DoD Personnel*—(1) *Federal Credit Unions.* Credit unions organized as Federal Credit Unions are incorporated and operated under the authority granted by the Federal Credit Union Act, as amended (12 U.S.C. 1751 et seq.), are legal entities with specific powers and authorities as approved by law, and are examined periodically by the Bureau of Federal Credit Unions of the Department of Health, Education, and Welfare.

(2) *State Credit Unions.* Credit unions organized under State credit union laws operate on the same general principles as Federal credit unions. Generally, State credit unions are under the jurisdiction of the State banking departments.

§ 230.5 Credit union operations in the Department of Defense.

Credit unions organized by and for DoD military and civilian personnel may be provided with the property and logistic support contemplated by § 230.6, provided operating policies are consistent with the following:

(a) *Lending.* In accordance with proven credit union practice, lending policies should be as liberal as possible and still be consistent with the interests of the credit union and the individual member. To be avoided are unnecessarily restrictive, unreasonable, or out-of-date rules on the size of loans, type and amount of security, or waiting periods before loan eligibility can be granted. Special attention should be given to the youthful military member in pay grades of E–1, E–2, and E–3 in assisting such member to secure necessary loans for provident purposes.

(b) *Counseling.* Skilled counseling service, without charge, should be made available to Defense credit union members with every effort made to help the members, particularly the youthful and inexperienced serviceman and the young married families, to solve money problems, to budget, and to continue assistance and instruction until they can solve their problems without guidance.

(c) *Savings.* Members should be encouraged to participate in a regular savings plan:

(1) With reasonable limitations as to amounts which may be deposited at any one time or the total amount which may be held in shares; and

(2) By a reasonable dividend or return on savings.

(d) *Relations*—(1) *Exchange of information.* Cooperation, liaison and exchange of information between credit unions of all DoD components will be observed.

(2) *By Credit Unions.* All credit unions serving DoD personnel will cooperate with the installation commander, keep him advised of the credit union operation, including submission of a copy of the monthly financial report, other credit union publications, and invite him or his designees to attend annual meetings and other appropriate functions.

(3) *By Installation Commanders.* The support and sympathetic understanding intended by this Part is not to be construed as control or supervision by installation commanders.

§ 230.6 Property and logistic support.

(a) Credit unions serving DoD personnel will be afforded advertising space in appropriate publications, the use of bulletin boards for promotional or information purposes, and other appropriate facilities to further the aims of the organization.

(b) Station clearance forms will provide a block reserved for the credit union to be executed by personnel on permanent change of station.

(c) DoD military personnel and credit unions are encouraged to use the service allotment privilege permitted by DoD Directive 7330.1, "Voluntary Military Pay Allotments," December 12, 1956.

(d) The transaction of credit union business during duty hours will be permitted providing there is no interference with the performance of official duties.

§ 230.7 Utilization of military real property and space.

(a) When available, the furnishing of office space and related real property to credit union tenants will be governed by Section 1770 of the Federal Credit Union Act (12 U.S.C., 1751 et seq.).

(b) All other services such as telephone lines, or long distance toll calls, space alterations, etc., provided credit unions, resulting from assignment of military real property or space for these purposes will be subject to reimbursement by the credit union tenants.

(c) Assignment of existing space facilities or construction of new space facilities (when authorized) to credit union tenants will be in accordance with the criteria specified in DoD Instruction 1330.3, "Space Criteria for Providing Religious, Welfare and Recreational Facilities," September 4, 1963.

(d) The erection of structures at credit union expense may be authorized if such proposals are first reviewed and approved for conformity to long range master utilization plans by the appropriate Military Departments and the Assistant Secretary of Defense (Installations and Logistics). Credit unions submitting such plans for consideration must also agree to be financially responsible for the maintenance, utilities and services furnished.

(e) Land required for approved construction at credit union expense shall be made available only at fair rental by lease, provided that structures erected thereon will be conveyed to the Government without reimbursement in the event of installation inactivation, closing or other disposal action, liquidation of the credit union, or the lease is revoked.

§ 230.8 Implementation.

Within thirty (30) days (September 26, 1965) from the date of this part (August 27, 1965) the Secretaries of the Military Departments (and other DoD components, as applicable) will submit to the ASD(M) for approval, their proposed implementing regulations.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[F.R. Doc. 65–12850; Filed, Dec. 1, 1965; 8:45 a.m.]

PART 232—NATURAL RESOURCES; FISH AND WILDLIFE MANAGEMENT

The Assistant Secretary of Defense (Manpower) approved the following Part 232:

Sec.
232.1 Purpose.
232.2 Applicability and scope.
232.3 Fish and wildlife management program procedures.
232.4 Section 2671, Chapter 159, Title 10, United States Code.
232.5 Public Law 797, 86th Congress.
232.6 Reporting requirements.
232.7 Format to be followed in the preparation of a cooperative plan (agreement) for the conservation and development of fish and wildlife resources on military reservations.

AUTHORITY: The provisions of this Part 232 issued under authority of 10 U.S.C. 2671, Public Law 86–797.

§ 232.1 Purpose.

This part establishes a program for fish and wildlife management, implements the provisions of 10 U.S.C. 2671 and Public Law 797, 86th Congress, and states the reporting requirement in compliance with Part 263 of this chapter.

§ 232.2 Applicability and scope.

The provisions of this part apply to all DoD members and components and cover military installations and facilities located in the United States containing land and water areas suitable for conservation and management of fish and wildlife resources. Fish and wildlife management will be integrated with other natural resources activities into a balanced multiple-use program.

§ 232.3 Fish and wildlife management program procedures.

(a) *Programming, budgeting, and financing.* Policy covering programming, budgeting, and financing is contained in Part 263 of this chapter.

(b) *Installation management plans.* (1) Management plans will be executed for all military installations which contain land and water areas suitable for the conservation and management of fish and wildlife resources and will be made part of the installation master plan.

(2) All installations and facilities shall give consideration to the improvement and conservation of fish and wildlife resources, including aspects of natural beauty during the planning and development stages of authorized projects and programs.

(3) The Installation Conservation Committee will annually review the management plan for currency, amendments or revisions, as applicable.

(c) *Fish management.* (1) Habitat control and improvement should serve as the basic means of perpetuating and improving the fisheries resources. Introduction of fish to new waters (e.g. new ponds) or the reintroduction of desirable species to waters which have been cleared of old stock as a management technique or by severe pollution kills will be done upon the advice and guidance of the appropriate State or Federal natural resource officials.

(2) Where waters are suitable for game fish, they should be managed within ecological limits to produce the most desirable of the game species, in best size and number. Streams whose values for such fish have been destroyed by the activities of man should be rehabilitated to the extent possible.

(3) The utmost care and caution should be exercised in introducing foreign, or exotic, species and only after approval of the appropriate State or Federal natural resource officials.

(d) *Wildlife management.* (1) Habitat control and improvement should serve as the basic tool of wildlife management. Artificial stocking should not be regarded as a major management technique except in special cases, and then, only upon the advice and guidance of appropriate State or Federal natural resource officials.

(2) Utmost caution, in the form of thorough scientific investigations and State or Federal cooperation, should be exercised in the introduction of wildlife species into areas to which they are not native.

(3) All precautions and measures necessary shall be made to prevent the extermination of any species of wildlife.

(4) Measures for the control of predators must be authorized and approved by qualified State or Federal officials. Scientific research has shown that there is no valid justification for the widespread destruction of animals classed as predators. Control of animals which are proved to be undesirable in specific instances is recognized.

(5) Wetlands valuable for waterfowl and other wildlife purposes shall be preserved wherever possible.

§ 232.4 Section 2671, Chapter 159, Title 10, United States Code.

(a) Hunting, fishing, and trapping at each military installation or facility under the jurisdiction of any military department in a State will be in accordance with the fish and game laws of the State in which it is located.

(b) At each installation or facility appropriate State licenses for hunting, fishing, or trapping on that installation or facility will be obtained, except that with respect to members of the Armed Forces such a license may be required only if the State authorizes the issuance of a license to a member on active duty for a period of more than thirty (30) days at an installation or facility within that State without regard to residence requirements, and upon terms otherwise not less favorable than the terms upon which such a license is issued to residents of that State. (The clause "for a period of more than thirty (30) days" indicates eligibility for an individual when first physically present for duty on such orders.)

(c) Whoever is guilty of an act or omission which violates a requirement prescribed under paragraph (a) or (b) of this section, which act or omission would be punishable if committed or omitted within the jurisdiction of the State in which the installation or facility is located, by the laws thereof in effect at the time of that act or omission, is guilty of a like offense and is subject to like punishment.

§ 232.5 Public Law 797, 86th Congress.

(a) *Cooperative plans.* In compliance with Public Law 797, 86th Congress, the Departments of Defense and Interior have developed a model cooperative plan (Agreement) (§ 232.7), designed to carry out a program of planning, development, maintenance, and coordination of fish and wildlife conservation and rehabilitation in the military reservations. Under the terms of the cited statute, appropriate commanders:

(1) May, if agreeable to the signators to the cooperative plans, issue special state permits to individuals for hunting, fishing, or trapping on that installation or facility, and require the payment of a nominal fee therefor. Such fees are to be utilized on the installation from which collected for the protection, conservation, and management of fish and wildlife, including habitat improvement and related activities, as may be stipulated in the cooperative plan, but for no other purpose. Such fees as may be collected under the above cited Act will be accounted for and reported in accordance with instructions of the Office of the Assistant Secretary of Defense (Comptroller) under a special indefinite fund established by the Department of the Treasury for each military department, and entitled "Wildlife Conservation, etc., Military Reservations," symbol—X5095. (The liberal use of this provision is encouraged to provide vital program funds.)

(2) Will ascertain that the cooperative plan provides that the possession of a special permit for hunting migratory game birds shall not relieve the permittees of the requirements of the Migratory Bird Hunting Stamp Act, as amended, nor of the requirements pertaining to state law, as described in § 232.4.

(b) *Execution of cooperative plans.* Cooperative plans (§ 232.7) will be executed for all military installations which contain land and water areas suitable for the conservation and management of fish and wildlife and other natural resources. Suitability shall be determined after consultation with the Regional Director of the U.S. Fish and Wildlife Service, and the Director of the Fish and Game Department of the state in which the installation is located, or other official as designated by the Governor of the State concerned. Military departments will maintain current copies of all negotiated cooperative plans for installations under their control.

§ 232.6 Reporting requirements.

(a) *Definitions*—(1) *Category I.* Installations which are classified as having land and water areas suitable for the conservation and management of fish, wildlife and other natural resources, such suitability having been determined after consultation with the appropriate Regional Director of the U.S. Fish and Wildlife Service and the State official designated by the Governor of the State concerned, as prescribed in § 232.5(b).

(2) *Category II.* Installations for which a final decision is pending as to program suitability within the meaning of subparagraph (1) of this paragraph.

(3) *Category III.* Installations which are finally classified, due to lack of adequate land or water areas, as unsuitable for a program of conservation and management of fish and wildlife and other natural resources, such classification being determined after the consultation prescribed in subparagraph (1) of this paragraph.

(4) *Category IV.* Installations which obviously do not have land or water areas (e.g., recruiting centers, armories, cemeteries, hospitals, city office building headquarters, etc.) which would provide the program potential for the conservation and management of fish and wildlife and other natural resources within the meaning of Part 263 of this chapter.

(b) *Specific reports required.* A report for each fiscal year will be submitted by each Military Department to the Assistant Secretary of Defense (Manpower) (ASD (M)) not later than September 1 for each installation and facility in the United States.

(1) Category I & II Reports:

(i) Category I installations will complete Format B.[1]

(ii) Category II installations will complete applicable portions of Format B.[1]

(2) Military Departments will forward:

(i) Two (2) copies of Format B[1] for each Category I & II installation.

(ii) Two (2) copies of the Summary Report in accordance with Format C.[1]

(3) Category III & IV Reports: Installations classified as Category III & IV in the initial listings are considered as completed submissions. Subsequent submissions should be listed alphabetically by states and only cover additions and/or deletions.

§ 232.7 Format to be followed in the preparation of a cooperative plan (agreement) for the conservation and development of fish and wildlife resources on military reservations.

(a) Citing of authority: In accordance with the authority contained in Public Law 85–337, approved February 28, 1958, and in Public Law 86–797, approved September 15, 1960, the Department of Defense, the Department of the Interior, and the State of _____, through their duly designated representatives

[1] Filed as part of original document.

whose signatures appear below, approved the following cooperative plan for the protection, development, and management of fish and wildlife resources on

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(Military Base)

(b) The cooperative plan will include the following features and provisions:

(1) Provide for a general inventory review of fish and wildlife resources to be made at the earliest practical time with representatives of all three agencies participating and when completed to be attached and made a part of this agreement. (Objectives: Such an inventory should locate principal land and water areas suitable for fish and wildlife. The inventory should list the principal species of wildlife, condition of their range, and include any data on population numbers. Water areas should be described briefly as to location, type, and acreage, with principal fish species known to be present, and with general observations on the quality of the aquatic habitat. The inventory should provide information on restricted and public use areas existing at that time. It should set forth the potential for the development of fish and wildlife resources).

(2) The cooperative plan should set forth, where applicable, a program for research and further development and management of fish and wildlife resources to include the following:

(i) Development and improvement of habitats for optimum conditions and in keeping with base objectives.

(ii) Need for and means of accomplishing restoration or restocking of desired species.

(iii) Need for and means of accomplishing control of plant and animal species, as may be indicated.

(iv) Plans for the protection of fish and wildlife resources.

(3) The cooperative plan will describe the extent of public participation in the harvest of fish and game commensurate with military objectives and should outline general procedures for the operation of such programs.

(4) The cooperative plan should specify under what circumstances special State fishing and hunting permits are to be required, the fees to be charged, and procedures for their issue. The plan should specify the fish and game management items for which the money may be spent, the method of relating this income to expenditures.

(5) The cooperative plan will specify the agency or agencies to provide technical advice and assistance to the Defense Department in fishery management and in wildlife management, either separately or together, and to what extent.

(6) The cooperative plan will be in full force upon its adoption, and subject to later amendment or revision as agreed upon by all parties represented. Request for amendment or change of the plan may originate with any one of the parties concerned.

(7) Signators to the cooperative plan will be the installation commander, the Regional Director, Bureau of Sport Fisheries and Wildlife, and the Regional Director, Bureau of Commercial Fisheries, as appropriate; and the Director of the State Fish and Game Department, or other official designated by the Governor of the State concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, O A S D (Administration).

[F.R. Doc. 65-12851; Filed, Dec. 1, 1965; 8:45 a.m.]

PART 233—NATURAL RESOURCES; FOREST MANAGEMENT

The Assistant Secretary of Defense (Manpower) approved the following Part 233:

Sec.
233.1 Purpose.
233.2 Applicability and scope.
233.3 Forest management program procedures.
233.4 Record-keeping requirement.

AUTHORITY: The provisions of this Part 233 issued under 5 U.S.C. 22.

§ 233.1 Purpose.

This part prescribes the procedures for a forest resource management program, and sets forth the content of the report required in the administration of Part 263 of this chapter.

§ 233.2 Applicability and scope.

The provisions of this part apply to all Department of Defense (DoD) members and components and cover installations and facilities located in the United States containing forest areas. Forest resource management will be a specific technical program integrated with other natural resource activities to make a balanced multiple-use program.

§ 233.3 Forest management program procedures.

(a) *Programing, budgeting, and financing.* Policy covering programing, budgeting, and financing is contained in Part 263 of this chapter.

(b) *Forest resource management plan.* Technical management plans will be established and maintained on all military installations which contain land areas suitable for forest resource management programs and will be a separate part of the installation natural resource management plan (master plan). Such plans will be developed with the aid and assistance of Federal or State Forestry agencies as appropriate. Forest resource management plans should consider:

(1) Timber area access roads.

(2) Management of soil, water, fish, wildlife, watersheds, and enhancement of natural beauty and recreation values.

(3) Natural and artifical regeneration of desirable forest tree species.

(4) Protection against wild fires, injurious insects and diseases.

(5) Prompt salvage disposal of dead or dying timber.

(6) Scheduled harvest in accordance with appropriate technical standards and guides.

(7) Planning of the scheduled cut to achieve (i) optimum utilization of current and future markets, and (ii) desirable composition of the residual stands.

(8) Necessary cultural treatments.

(c) *Definition.* "Sustained-yield" means continuous production under forest management of timber products and related natural resource values such as natural beauty, watershed protection, wildlife, and recreation.

(d) *Timber production.* (1) The optimum use of forests for sustained yield production involves:

(i) The accumulation of forest resource data required for scientific management of the forest area.

(ii) Harvesting on a sustained yield basis so as to achieve periodic harvest of the allowable cut of timber from Defense lands.

(iii) Silviculture—the use of management practices that affect the composition and growth of forests such as improvement cuttings, thinnings, and other cultural practices to forestall mortality losses, obtain more complete utilization, and improve quality.

(2) Silvicultural treatment and game management practices such as seeding or planting fire lanes, establishment of small woodland openings, and edge development introduce desirable cover variations to forest areas. Such variations are deterrents to the build-up of destructive inspect populations and will be logically considered as timber production measures.

(3) Timber production and forest recreation can be compatible uses in an area but some adjustment in both activities may be required to obtain maximum potential.

(4) Timber and water are products of a well managed forest program protecting the watershed and contributing to the yield of usable water.

§ 233.4 Record-keeping requirement.

Each Military Department will establish a record-keeping system suitable for management purposes and maintain at departmental level management information to include, as a minimum, the information contained in Enclosure 1,[1] updated on an annual basis.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-12852; Filed, Dec. 1, 1965; 8:45 a.m.]

PART 234—NATURAL RESOURCES; SOIL AND WATER MANAGEMENT

The Assistant Secretary of Defense (Manpower) and the Assistant Secretary

[1] Format A (Enclosure 1) filed as part of original document.

of Defense (Installations and Logistics) approved the following Part 234:

Sec.
234.1 Purpose and applicability.
234.2 Definitions.
234.3 Objective.
234.4 Soil and water management program procedures.
234.5 Project proposals and construction.
234.6 Program evaluation.
234.7 Record-keeping requirement.
234.8 Delineation of responsibilities.

AUTHORITY: The provisions of this Part 234 issued under 5 U.S.C. 22.

§ 234.1 Purpose and applicability.

(a) *Purpose.* This part prescribes procedures for implementing a balanced and integrated program for soil and water management and related natural resources as required by Department of Defense (DoD) Directive 4165.2, "Objectives and Policies Relating to Real Property Maintenance and Utilities Operation Program," October 15, 1954, and Part 263 of this chapter.

(b) *Applicability and scope.* The provisions of this part apply to all DoD members and components and cover the conservation and management of the natural resources and related programs, projects, or instruments involving land, grounds, or water areas.

§ 234.2 Definitions.

(a) "Grounds" are defined as all land areas not occupied by buildings, structures, pavements, and railroads. Grounds at military installations are grouped in three categories, in accordance with the intensity of maintenance required.

(b) "Improved grounds" are areas on which intensive development and maintenance measures are performed. This category usually applies to areas within the built-up section of an installation which contain lawns and landscape development; parade grounds, drill fields; athletic facilities; cemeteries; golf courses (excluding roughs), and similar areas.

(c) "Semi-improved grounds" are areas on which periodic recurring maintenance is performed but to a lesser degree than on improved grounds. This category includes airfields, small arms ranges, ammunition storage and similar areas.

(d) "Unimproved grounds" are all other areas not included in the above categories.

§ 234.3 Objective.

The objective is to conserve, develop, maintain, and manage all lands under military jurisdiction in accordance with proven scientific methods, procedures, and techniques to facilitate military operations; protect real estate investments from depreciation; remove or screen unsightly debris and landscape blemishes; cooperate in pollution abatement and waste disposal; protect and improve the beauty of the natural landscape; and enhance the appearance of buildings through appropriate landscaping as stated in the Message of the President to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Cong., 1st Sess.).

§ 234.4 Soil and water management program procedures.

(a) *Programing, budgeting, and financing.* Policy covering programing, budgeting, and financing is contained in Part 263 of this chapter.

(b) *Plans*—(1) *Soil and water conservation (land management) plan.* These plans shall be developed by professionally competent personnel and applied continuously for all installations (active and inactive) having significant land management problems or responsibility. The plans shall: provide an inventory of important increments of land use; and describe recommended methods, procedures, techniques, materials, and personnel required for development, improvement, maintenance of grounds and other soil and water conservation and management practices. Special problems of conservation and development of natural resources will be identified and included as a part of the plan.

(2) *Landscape development.* Landscape development work shall be in accordance with an approved landscape development plan. Such plans shall be functional in nature; simple and informal in design, compatible with the adjacent surroundings and enhance the overall natural beauty of the area as stated in the Message of the President to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Congress, 1st Sess.).

(3) *Fire prevention.* The plan shall incorporate necessary fire prevention and suppression measures essential for conservation and protection of natural resources and other assets. These measures shall be applied continuously and shall be coordinated with Federal, State, county, municipal, or other community agencies, as appropriate.

(4) *Outleased land.* Appropriate natural resources conservation plans, including outdoor recreation, shall be developed for outleased lands and shall be incorporated as an integral part of the contract specifications.

(c) *Management and maintenance of grounds*—(1) *Improved grounds.* Lands in this category shall be maintained at the levels and intensities necessary to meet designated use criteria, protect the natural resources, and insure a pleasing appearance in harmony with the natural landscape. Appropriate measures shall be taken to beautify buildings through the planting of trees, flowers, and shrubs. Priority shall be given to appropriate landscaping of buildings located adjacent to, or within urban areas, and areas adjoining public thoroughfares as stated in the Message of the President to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Cong., 1st Sess.).

(2) *Semi-improved grounds.* Lands in this category shall be maintained at a lesser degree of intensity than for improved grounds but at a level that will enhance natural beauty, insure conservation of the natural resources, reduce vegetative fire hazards, and meet the criteria for its designated use.

(3) *Unimproved grounds.* Lands in this category shall be developed and maintained at a level which will enhance natural beauty as stated in the Message of the President to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Cong., 1st. Sess.), and conserve natural resources including beneficial vegetative cover, as well as prevention and suppression of fires.

(4) *Special ground cover.* In arid areas where rainfall is insufficient to support vegetative growth, crushed rock, gravel, or other similar material will be used where required to prevent wind and water erosion at, or contiguous to, important facilities.

(d) *Management and maintenance of billboards and signs.* (1) The placement and maintenance of necessary outdoor billboards, signs, displays, and devices under DoD control will be displayed in harmony with the surrounding landscape in a manner consistent with Federal policy and to preserve natural beauty as stated in a Communication from the President to the Congress, May 26, 1965 (H.R. Doc. 191, 89th Cong., 1st Sess.).

(2) Signs as a means of communication in the outdoor environment are necessary guides to destinations, safety reminders, warnings, and to identify boundaries and activities. Signs in a common zone should be complementary in theme and design, and, in specific areas, planned for at one time to prevent duplication, conflict and omissions. Once placed, signs must be kept as near to original specifications as possible through maintenance and scheduled replacement.

(e) *Irrigation.* (1) Irrigation shall be limited to areas where supplemental water is essential to establish lawns and other improved types of vegetation. Underground irrigation systems will be designed to assure the use of the most efficient and economical system and equipment. The amounts of irrigation shall be limited to that necessary to meet minimum requirements to support the vegetation in an acceptable condition. Frequency of application of irrigation water shall be in accordance with the installation water conservation program and shall not interfere with the military and domestic water supply requirements.

(2) Prior to installing an underground irrigation system, the need should be justified on an economic basis including the initial cost and amortization of maintenance and operation costs.

(f) *Training.* Each Military Department will provide for periodic and comprehensive technical instruction and training of personnel to insure efficient development, management, and maintenance of grounds, the adoption of adequate safeguards in the handling of toxic materials and use of equipment, and prompt introduction of new and improved materials and methods. The frequency, scope, and method of training will be determined by each Military Department. Training and certification of personnel who store, mix, and apply pesticides, including herbicides, will be in accordance with DoD Instruction 4150.7,

"Pest Control Operations at Military Installations," July 23, 1964.

(g) *Weeds and poisonous plants.* Poisonous plants and noxious weeds shall be controlled or destroyed in accordance with approved practices and applicable laws when they interfere with safe and efficient land use, endanger the health and welfare of personnel, or constitute a source of weed infestation to adjacent property.

§ 234.5 Project proposals and construction.

Soil problems, water management, runoff disposal and plantings or landscaping requirements shall be fully considered in all site feasibility studies and in project planning, design and construction. When required, the scope of the conservation work and funds involved shall be included as an essential item in the project proposals, and construction contracts and specifications.

§ 234.6 Program evaluation.

Each Military Department will establish a suitable schedule of surveillance to evaluate the effectiveness of this program and provide on-site technical consultant services to its major commands.

§ 234.7 Record-keeping requirement.

Each Military Department will establish a record-keeping system suitable for management purposes and maintain at departmental level management information to include, as a minimum, the information contained in Enclosure 1,[1] updated on an annual basis.

§ 234.8 Delineation of responsibilities.

(a) Pursuant to DoD Directive 4165.2, "Objectives and Policies Relating to Real Property Maintenance and Utilities Operation Program," October 15, 1954, the Assistant Secretary of Defense (Installations and Logistics) (ASD (I&L)) is responsible for maintenance of grounds and the administration and management of the grounds programs, including policies, procedures, controls, and beautification.

(b) Pursuant to Part 263 of this chapter the Assistant Secretary of Defense (Manpower) (ASD(M)) is responsible for soil and water management policy guidance and administration as it relates to multiple-use of the renewable natural resources including conservation and natural beauty.

(c) The ASD (I&L) and the ASD (M) will coordinate and resolve any differences on any phase of the soil and water management program which cannot be solved at the Military Department/Defense Agency level. This will include, as appropriate, referral for recommendation to the DoD Natural Resources Group.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-12853; Filed, Dec. 1, 1965; 8:45 a.m.]

[1] Filed as part of original document.

PART 235—NATURAL RESOURCES; THE SECRETARY OF DEFENSE CONSERVATION AWARD

The Assistant Secretary of Defense (Manpower) approved the following Part 235:

Sec.
235.1 Purpose.
235.2 Applicability and scope.
235.3 The Secretary of Defense Conservation Award.
235.4 Special recognition citations.

AUTHORITY: The provisions of this Part 235 issued under 5 U.S.C. 22.

§ 235.1 Purpose.

This part describes the Secretary of Defense Conservation Award and provides the necessary information required to submit nominations for competition (see Part 263 of this chapter).

§ 235.2 Applicability and scope.

The provisions of this part apply to all DoD members and components and cover military installations and facilities located in the United States containing land and water areas suitable for conservation and management of the renewable natural resources.

§ 235.3 The Secretary of Defense Conservation Award.

(a) *Objective.* The objective is to stimulate and provide added incentive for the development, maintenance and improvement of natural resource activities and to also enhance the natural beauty of Defense installations. All installations to which this part applies are encouraged to submit nominations.

(b) *The award and plaques.* (1) The Secretary of Defense will annually present an award to the installation that conducted the most outstanding program during the preceding calendar year.

(2) The award is a trophy inscribed with the name of the winning installation, and presented to that installation for permanent retention. (The master trophy, inscribed with the names of each year's winning installation, is retained in the Office of the Secretary of Defense.)

(3) Plaques are presented annually to the two runner-up installations.

(c) *Nomination procedure.* (1) Each Military Department competing will submit two (2) nominations for the award annually to the Assistant Secretary of Defense (Manpower) (ASD(M)) not later than May 1 for the award period ending the preceding December 31. The nominations will be narrative in style, typewritten or printed, fastened or bound in plain folders approximately 9 by 11 inches, and will include the items listed in paragraph (d) of this section as applicable.

(2) Small installations (or those with relatively less potential for a conservation program due to limited natural resources) shall be allowed to compete on an equal basis with the larger installations (or those reservations which are favored with greater or more abundant natural resources) since the awards will be based on the most improvement made or the best conservation program produced with the natural resources available.

(d) *Content of award nomination.* (1) Military mission and approximate civilian and military population of the installation.

(2) Summary statement of the current year's activities to reflect the progress made in the reporting year as compared to past years. (Prepare the statement in the sequence followed in this section.)

(3) Background of the program, with present and future plans, including all activities in soil and water, forestry and fish and wildlife as applicable.

(4) The activity, scope, and influence of the installation natural resource committee.

(5) Analysis of reservation acreages including soil and water and forestry activities:

(i) Total acreage of the installation and total acreage in the natural resource programs.

(ii) Acres of land improved, such as planting food and cover crops, clearing, timber stand improvement, tree planting, erosion control, etc. (Include both on and off installation increase.)

(iii) Acres of water and miles of stream improved, such as new construction, reclamation, etc. (Include both on and off installation increase.)

(iv) Acres of land available for hunting. Additional acres made available for hunting during the reporting period. (Include both on and off installation increase.)

(v) Acres of water and miles of streams available for fishing. Additional acres and miles of streams made available for fishing during the reporting period. (Include both on and off installation increase.)

(6) Fish and wildlife resources:

(i) Variety of species.

(ii) Estimated population of wildlife species.

(iii) Number and type of fish and wildlife stocked; by whom.

(7) Community relations:

(i) Cooperation with Federal, State and private conservation agencies.

(ii) Extent of public access; if not permitted—explain.

(8) Conservation education, as applicable, in:

(i) Resource management and regulation.

(ii) Gun and water safety.

(iii) Woodsmanship, camping and boating.

(iv) Hunting and fishing indoctrination through libraries, exhibits, and training through Rod and Gun Club activities.

(v) Off and on installation scouting and other youth group activities in relation to conservation.

(9) Outdoor recreation:

(i) Development:

(*a*) Parks.

(*b*) Camping areas (tent, trailer, etc.).

(*c*) Rest areas (scouter stops, etc.).

(*d*) Picnic areas.

(*e*) Trails (nature, hiking, riding, bicycling).

(f) Marina and boating facilities.
(g) Other.
(ii) Use—Estimated number of visitors including installation personnel.
(10) Conservation club activities, i.e., Izaak Walton League Chapter, Rod and Gun Club, etc.
(11) Miscellaneous: photographs, stories and news items (limit number needed to depict the program).
(e) *Selection Committee.* The ASD (M) will chair a selection committee composed of outstanding civilian conservation leaders to judge the nominations and recommend the winning installation and the two runner-up installations to the Secretary of Defense.

§ 235.4 Special recognition citations.

In addition to the Secretary of Defense Award, the Secretary of Defense will award annually citations for meritorious achievement in support of the DoD conservation and management program to installations selected according to the following procedures.
(a) Army, Navy, and Air Force Award Selection Committees, in addition to selecting the Secretary of Defense Award nominees, will also recommend those installations to the cognizant departmental Secretary that, in their opinion, have conducted above average natural resource programs in a meritorious manner sufficient to warrant consideration for special recognition.
(b) The nominations of installations so recommended will be submitted to the ASD (M) for appropriate action.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-12854; Filed, Dec. 1, 1965; 8:45 a.m.]

PART 263—NATURAL RESOURCES; CONSERVATION AND MANAGEMENT

The Secretary of Defense approved the following revision to Part 263:

Sec.
263.1 Purpose and applicability.
263.2 General policies.
263.3 Resource program policies.
263.4 Access to military lands and waters.
263.5 Installation Conservation Committee.
263.6 The Secretary of Defense Conservation Award.
263.7 DoD Natural Resources Group (DNRG).
263.8 Community relations and civil rights.
263.9 Responsibilities.

AUTHORITY: The provisions of this Part 263 issued under 10 U.S.C. 2671. P.L. 86-797 interprets or applies sec. 511, P.L. 88-446, 88-29, 86-517, 88-206, 33 U.S.C. 466.

§ 263.1 Purpose and applicability.

(a) *Purpose.* This part:
(1) Prescribes Department of Defense (DOD) policies and establishes an integrated DOD multiple-use program for the renewable natural resources in forests and woodlands, fish and wildlife, soil, water, grasslands, outdoor recreation and natural beauty compatible with the military mission in compliance with the natural resource policies of the Administration contained in the President's Message to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Congress, 1st Session); and
(2) Implements 10 U.S.C. 2671, Public Law 797, 86th Congress and Public Law 446, Section 511, 88th Congress which confer certain responsibilities on the Secretary of Defense for the management, conservation, and development of natural resources on military reservations and facilities.
(b) *Applicability and scope.* The provisions of this Part apply to all DoD members and components and cover the conservation and management of the natural resources and related programs, projects, or instruments involving Defense land, ground, and water areas. Nothing contained herein or in implementing regulations and cooperative agreements shall modify any rights granted by treaty or otherwise to any Indian tribe or to members thereof.

§ 263.2 General policies.

(a) *Responsibility for*—(1) *Stewardship.* The DoD, as an important occupier of Federal lands, has an obligation to the American people to act responsibly and effectively in conservation management including the duty to restore, improve, develop, and conserve through wise use, the renewable natural resources of the lands and waters under military control. The conservation programs required by this Part and the military mission need not, and shall not, be mutually exclusive.
(2) *Natural beauty.* This is a new conservation concept with broad connotations as stated in the Message of the President to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Congress, 1st Session). Because sound natural resource management enhances natural beauty, conservation should include not only the classic methods of protection and development but also creative conservation of restoration and innovation. The objective of conservation should not be with nature alone but with the total relationship between man and his environment. Thus, a conscious and active concern for the values of natural beauty will be considered in all DoD plans and programs.
(b) *Command responsibility.* (1) DoD personnel at all echelons of command will support national conservation policies and programs in accordance with this Part. Intelligent and sympathetic understanding of natural resources, natural beauty, and recreation problems, and the relationship and responsibility at all DoD echelons to such problems, must be an important and identifiable function of command management (§ 263.9).
(2) Since the natural resources disciplines encompassed within this Part are sciences, all commanders will require the optimum use of professionally trained personnel to insure the necessary technical guidance in the planning and execution of the several programs.
(3) To increase the scientific knowledge of personnel and to improve the efficiency and effectiveness of the Defense resources program, representation and participation at related natural resources professional meetings is encouraged.
(c) *Outdoor recreation.* (1) The outdoor recreation policies for the Nation including the DoD are stated in Public Law 29, 88th Congress by the declaration that "* * * all American people of present and future generations (should) be assured adequate outdoor recreation resources, and that * * * all levels of government * * * (shall) take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people."
(2) The Recreation Advisory Council (RAC), composed of the Secretaries of Interior; Agriculture; Defense; Commerce; Health, Education, and Welfare; the Administrator of Housing and Home Finance Agency; and the Chairman of the Tennessee Valley Authority; was established by the President to provide broad policy advice to the heads of Federal agencies on all matters affecting outdoor recreation resources and to facilitate coordinated efforts among the various Federal agencies as stated in Executive Order 11017, "Recreation Advisory Council" (as amended). The RAC policies, promulgated by the issuance of circulars, are applicable to the DoD. The Assistant Secretary of Defense (Manpower) (ASD (M)), is the RAC delegate for the Secretary of Defense.
(3) Outdoor recreation and natural beauty will be recognized as important objectives in the conduct of all DoD natural resource management programs.
(d) *Cooperation and coordination.* DoD components will assure that appropriate commanders take the initiative to seek the aid of appropriate natural resource agencies (Federal, State and local):
(1) For providing technical advice and assistance.
(2) In cooperative research projects.
(e) *Multiple-use natural resources conservation management.* All Defense installations shall be managed so as to:
(1) Protect, conserve, and manage the watersheds and natural landscapes, the soil, the beneficial forest and timber growth and the fish and wildlife as vital elements of an optimum natural resources program.
(2) Utilize and care for natural resources in the combination best serving the present and future needs of the United States and its people.
(3) Provide for the optimum ecological development of land and water areas and access thereto in accordance with § 263.4. Multiple use, by no means an assemblage of single uses, is defined, within the meaning of this Part, as a conscious, coordinated management of the resources, each with the other, without impairment of the productivity of the land or water as stated in section 4(a) of Public Law 517, 86th Congress.

§ 263.3 Resource program policies.

(a) *Programing, budgeting and financing.* The Secretaries of the Military

Departments and the Directors of Defense Agencies will make provisions in their programing, budget estimates, and financing programs for conducting effective national conservation programs consistent with provisions of this part. The cost of the natural resources and related programs will be the responsibility of the Military Service or Defense Agency involved and must be accomplished within financing available to the Military Service or Defense Agency.

(b) *Soil and water management.* (1) To assure the maximum benefits from existing natural resources, and to avoid unnecessary expenditures for their preservation, appropriate requirements for soil, water and plant conservation for all projects shall be determined as an integral part of the site development studies and the necessary measures to meet these requirements shall be included in the improvements to be made. The adequacy of these measures should be reviewed by a qualified soil conservationist.

(2) A soil and water conservation (land management) plan is required which shall be in full accord with modern conservation and land use practices, updated as required, continuously applied in an orderly and timely manner and include all phases of land use, grounds development, maintenance, improvement and outleases as appropriate.

(c) *Forest management.* (1) Consistent with required forest resource management plans, forest management practices and operations will be applied to provide for sustained yield of quality timber, watershed protection and management, fish and wildlife, recreation potential and the other resource values, including natural beauty. The development and maintenance of a desirable biological balance in the forest community will be an objective of forest resource management.

(2) The forest management programs of the DoD are authorized by Public Law 446, Sec. 511, 88th Congress, and funded in accordance with DoD Instruction 7310.1, "Accounting and Reporting on Disposition of Proceeds from Sale of Scrap, Salvage, Surplus, Foreign Excess Personal Property and Timber and Lumber Products," October 10, 1962.

(d) *Fish and wildlife management.* (1) A continuing program of fish and wildlife habitat management, complying with accepted scientific practices integrated and consistent with the total natural resources will be the objective of the Defense Fish and Wildlife Management program.

(2) Cooperative management plans with the State and Federal Fish and Wildlife Conservation Agencies are required by Public Law 797, 86th Congress.

(e) *Pollution and pesticide control.* (1) *General.* In addition to health and welfare measures for personnel, installation activities must not adversely affect neighboring civilian populations or the environment. Because of the close relation existing between health protection measures and natural resources management, continuing cooperation and coordination of these activities will be maintained.

(2) *Air and water pollution.* Environmental pollution may affect human health. It also may, through direct or indirect alteration of the environment, render it unfit for recreation, adversely affect supplies of water, agriculture, or biological products, or may interfere with opportunities for enjoyment of nature and natural beauty. Federal agencies have been directed by the Message of the President to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Congress, 1st Session), Public Law 206, 88th Congress, and 33 U.S.C. 466 to exert leadership in developing measures for prevention of pollution of the environment. Federal agencies and their contractors are required to comply insofar as practicable with local, State, and interstate health and pollution abatement authorities. Medical, Engineering, Logistics, and Research, Development, Test, and Evaluation activities are responsible for cooperative efforts in conjunction with the Department of Health, Education, and Welfare, and local and State authorities.

(3) *Pesticides.* The President's Science Advisory Committee sanctions the carefully controlled use of pesticides and the exercise of precautionary measures to insure that harmful effects do not result to plants, animals, vegetation, and aquatic life beneficial to man. The Armed Forces Pest Control Board in accordance with DoD Directive 5154.12, "The Armed Forces Pest Control Board," August 21, 1962, functions as the coordinating activity in the DoD for pest control and is the principal advisory body to all DoD agencies and activities on all matters relating to pesticide use, including those pertaining to the problems of resource conservation and management. The services of the Board are obtained through procedures established within each military department.

§ 263.4 Access to military lands and waters.

(a) *By the public.* (1) Public access to military installations for the use and enjoyment of the public in compliance with the policies of the United States will be granted, except where a specific finding has been made that the overriding military mission requires a temporary or permanent suspension of such use. When all public access must be withheld, the reasons must be substantiated by a statement incorporated in the cooperative agreement required between representatives of the military departments, the State natural resource authorities, and the U.S. Fish and Wildlife Service.

(2) Provision shall be made, within manageable quotas, for controlled public access to installations when such can be granted without bona fide impairment of the military mission. In granting access privileges to persons other than those assigned to or living on military installations, manageable quotas will vary, depending upon the amount of suitable land and water areas available. Opportunities for recreational purposes must be equitably distributed by impartial selection procedures, such as drawings or lots, or first-come-first-served basis.

(b) *By Federal and State Conservation Officials.* (1) Military departments will insure that appropriate commanders, in cooperation with the Governors, or their designees, of the States in which the installations are located, provide installation access for designated State, natural resource or conservation officials at such times and under such conditions as may be agreed upon.

(2) Accredited conservation representatives of Federal agencies furnishing professional advice and technical assistance under this Part will also be admitted to installations.

(3) Federal and State conservation officials provided installation access will be issued an Identification Card and Pass Permit by the appropriate commander for use under the terms specified.

(c) *Signs and outleasing agreements.* (1) Signs identifying posted military reservations should also contain information to make it possible for Federal and State authorities, as well as private parties, to identify the proper headquarters responsible for the area.

(2) Outleases of military lands shall include natural resources management plans and, where possible, public recreational uses.

§ 263.5 Installation Conservation Committee.

Military Departments will insure that commanders of installations having active or potential programs within the concept of this part shall appoint a Conservation Committee to assure continuous planning and balanced application. The composition of this Committee will include but not be limited to the commanding officer, the natural resources management and engineer personnel, entomologists, law enforcement, operations, safety, legal, medical, special services, veterinarians, and elected officers of the installation rod and gun type activities. Local civilian conservation groups, whenever feasible, should be invited to attend committee meetings as guests.

§ 263.6 The Secretary of Defense Conservation Award.

To encourage and give added incentive for improvement of DoD natural resource activities, the Secretary of Defense will annually present an award to the installation that conducted the most outstanding conservation program during the preceding calendar year. The ASD (M) will chair a selection committee composed of civilian conservation leaders to judge and recommend the winning installation to the Secretary of Defense.

§ 263.7 DoD Natural Resources Group (DNRG).

The DNRG composed of Office of the Secretary of Defense, Army, Navy, Air Force, and Marine Corps members and chaired by the designee of the ASD (M) is hereby established. The DNRG in addition to their individual and primary duty assignments are to:

(a) Facilitate the interservice utilization of personnel assigned through-

out the DoD who possess the differing skills of the several disciplines in natural resources management.

(b) Plan and direct the biennial DoD Natural Resources Conference.

(c) Serve the ASD (M) in his capacity as the designee of the Secretary of Defense to the President's Recreation Advisory Council.

(d) Develop, propose and review natural resources policies, including natural beauty, and collaborate, as applicable, on the resolution of conservation problems.

(e) Assist in the planning and execution of the annual Conservation Award Program.

§ 263.8 Community relations and civil rights.

(a) In developing agreements and procedures with State and local authorities, representatives of the Armed Forces will bear in mind at all times the importance of establishing, maintaining, and improving Armed Forces' community relations, in keeping with the provisions of the Message of the President to the Congress, February 8, 1965 (H.R. Doc. 78, 89th Cong., 1st sess.) and DoD Directive 5410.18, "Community Relations," April 21, 1965.

(b) No person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in receiving the privilege of public access or any other uses within the terms of this part in accordance with DoD Directive 5500.11, "Nondiscrimination in Federally Assisted Programs," December 28, 1964.

§ 263.9 Responsibilities.

(a) Under the direction, authority, and control of the Secretary of Defense, the ASD (M) shall have the primary responsibility for administration of this Part.

(b) The specific requirements for program administration and reporting procedures will be contained in appropriate DoD Instructions.

(c) The Secretaries of the Military Departments will require an established system for annual technical program inspections.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-12855; Filed, Dec. 1, 1965; 8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 729—NAVY AND MARINE CORPS MILITARY PERSONNEL SECURITY PROGRAM

Investigative Requirements and Security Boards

Scope and purpose. The amendments are intended to update Part 729 in accordance with recent changes to the corresponding departmental regulations, distributed to Navy and Marine Corps commands as Change 5 to Secretary of the Navy Instruction 5521.6A.

1. Section 729.8 is revised to read as follows:

§ 729.8 Investigative requirements.

(a) *Officers, warrant officers, and officer applicants.* A National Agency Check shall be conducted prior to the appointing or commissioning of any individual as an officer or warrant officer.

(1) *U.S. Naval Academy midshipmen.* The National Agency Checks for Naval Academy midshipmen shall be initiated prior to October 15 of the fourth-class year, to be completed prior to February of the year following submission.

(2) *NROTC.* The National Agency Checks for members of the Naval Reserve Officers Training Corps shall be initiated immediately upon enrollment. The results of this National Agency Check should be available during the first term, quarter, or semester following enrollment.

(3) *In-service programs.* The conducting of pre-appointment National Agency Checks on applicants for the various in-service officer candidate programs shall be handled as the Chief of Naval Personnel or the Commandant of the Marine Corps may prescribe.

(4) *All other programs.* The National Agency Check shall be initiated while processing the application for commission or during the early stages of training, as appropriate, to insure timely completion of the National Agency Check so that no period greater than 6 months elapses between completion of the National Agency Check and entry of the applicant into active naval service or active reserve status.

(5) *Extended active duty.* Upon being ordered to extended active duty, a National Agency Check will be initiated if not already accomplished or if a break in military service of more than six months has occurred to interrupt active status or active reserve status subsequent to completion of a National Agency Check. The interruption of active status or active reserve status referred to in the preceding sentence means interruption of an individual's honorable active duty, active status in the Naval or Marine Corps Reserve, or civilian employment in the government service, or a combination thereof.

(b) *Enlisted personnel.* Effective October 1, 1965, enlistees and inductees will complete a Statement of Personal History (DD Form 398) at the time of enlistment or induction and prior to entry on active duty. Effective November 1, 1965, a National Agency Check will be initiated immediately for all enlistees upon reporting for duty at recruit training. Effective July 1, 1966, a National Agency Check will be initiated immediately for all inductees upon reporting for duty at basic training.

2. The heading of § 729.10 *General* is changed to read as follows:

§ 729.10 Security boards.

* * * * *

(R.S. 161, sec. 5031, 70A Stat. 278, as amended, sec. 133, 76 Stat. 517; 5 U.S.C. 22, 10 U.S.C. 133, 5031)

Dated: November 26, 1965.

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

[F.R. Doc. 65-12922; Filed, Dec. 1, 1965; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (School Lunch Program), Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

The regulations governing operation of a Special Milk Program for Children pursuant to Public Law 85-478, as amended, are hereby revised and reissued.

Sec.
215.1 General purpose and scope.
215.2 Definitions.
215.3 Administration.
215.4 Payments to State Agencies.
215.5 Use of funds.
215.6 Requirements for participation.
215.7 Reimbursement payments.
215.8 Effective date for reimbursement.
215.9 Reimbursement procedure.
215.10 Special responsibilities of State Agencies.
215.11 Claims against schools and child-care institutions.
215.12 Administrative analyses and audits.
215.13 Nondiscrimination.
215.14 Miscellaneous provisions.
215.15 Program information.

AUTHORITY: The provisions of this Part 215 issued under sec. 2, Public Law 85-478, as amended; 72 Stat. 276; 73 Stat. 363; 74 Stat. 84; 75 Stat. 147; 75 Stat. 319; 7 U.S.C. 1446 note.

§ 215.1 General purpose and scope.

This part announces the policies and prescribes the general regulations with respect to the Special Milk Program for Children, under Public Law 85-478, as amended, and sets forth the general requirements for participation in the Program. The Act reads in pertinent part as follows:

SEC. 2. There is hereby authorized to be appropriated for the fiscal year beginning July 1, 1962, and for each of the four fiscal years thereafter, such sums as may be necessary to enable the Secretary of Agriculture, under such rules and regulations as he may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. For the purposes of this Act "United States" means the 50 States and the District of Columbia.

§ 215.2 Definitions.

For the purpose of this part, the term:

(a) "Adult staff members and employees" means all persons who are staff members and employees of a school or child-care institution, including all faculty, supervisory and other personnel,

but excluding camp counselors under 21 years of age.

(b) "Adults enrolled for care and training" means (1) students enrolled in school classes above the 12th grade level, and (2) all persons 21 years or older attending camps or receiving care and training as enrollees of institutions.

(c) "Attendance unit" means a building or a complex of buildings and supporting facilities in which instruction is provided for classes of high school grade and under.

(d) "Child-care institution" means any nonprofit nursery school (other than nursery schools falling within the definition of school in this section), child-care center, settlement house, summer camp or similar nonprofit institution, devoted to the care and training of children. "Child-care institution" as used in this part includes, where applicable, the authorized sponsoring agency which has entered into an agreement under the Program for a child-care institution.

(e) "C&MS" means the Consumer and Marketing Service of the U.S. Department of Agriculture.

(f) "Cost of milk" means the net purchase price paid by the school or child-care institution to the milk supplier for milk delivered to the school or child-care institution. This shall not include any amount paid to the milk supplier for servicing, rental of or installment purchase of milk service equipment.

(g) "Department" means the U.S. Department of Agriculture.

(h) "Distribution costs" means direct expenses incurred by the school or child-care institution in connection with the sale, handling and service of milk. This may include expenses incident to acquisition or rental of necessary milk service equipment.

(i) "Fiscal year" means a period of 12 calendar months, beginning with July 1 of any calendar year and ending with June 30 of the following calendar year.

(j) "FDAO" means Food Distribution Area Office(s), Consumer Food Programs, of the Consumer and Marketing Service of the U.S. Department of Agriculture.

(k) "Milk" means unflavored milk which meets State and local standards for fluid whole milk and flavored milk made from fluid whole milk which meets such standards.

(l) "Needy children" means children who cannot afford to make any payment at all for milk served to them.

(m) "Needy schools" means schools which, because of poor local economic conditions, are determined by State Agencies, or FDAO where applicable, to be in need of special assistance in order to serve milk without charge to needy children, and which either (1) are participating in the National School Lunch Program at assigned reimbursement rates averaging more than nine cents per Type A lunch, from Federal funds, or (2) do not have a regular food service.

(n) "Nonpricing program" means a program which does not sell milk to children. This shall include any such program in which children are normally provided milk, along with food and other services, in a school or child-care institution financed by a tuition, boarding, camping or other fee, or from tax sources or by private donations or endowments.

(o) "Nonprofit food service" or "nonprofit milk service" means food or milk service maintained by or on behalf of the school or child-care institution for the benefit of the children, all of the income from which is used solely for the operation or improvement of such food or milk service.

(p) "Nonprofit private school" means a nonpublic school that is exempt from income tax under the Internal Revenue Code, as amended.

(q) "OIG" means the Office of the Inspector General of the U.S. Department of Agriculture.

(r) "Pricing program" means a program which sells milk to children. This shall include any such program in which maximum use is made of Program reimbursement payments in lowering, or reducing to "zero," wherever possible, the price per half pint which children would normally pay for milk.

(s) "Program" means the Special Milk Program for Children.

(t) "School" means the governing body responsible for the administration of a public or nonprofit private "school" of high school grade or under, as defined in the statutes of the State. The term also includes a nonprofit agency to which the school has delegated authority for the operation of its nonprofit milk service.

(u) "SLD" means the School Lunch Division, Consumer Food Programs, of the Consumer and Marketing Service of the U.S. Department of Agriculture.

(v) "State" means any of the 50 States, and the District of Columbia.

(w) "State Agency" means the educational agency or other agency of a State.

§ 215.3 Administration.

(a) Within the Department, C&MS shall act on behalf of the Department in the administration of the Program. Within C&MS, SLD and FDAO shall be responsible for Program administration.

(b) To the extent practicable and permissible under State law, responsibility for the administration of the Program in schools and child-care institutions within a State shall be in the educational agency of the State: *Provided, however,* That another State Agency, upon request by an appropriate State official, may be approved by FDAO to administer the Program in child-care institutions.

(c) FDAO shall administer the Program in any nonprofit private schools and in child-care institutions in which the Program is not administered by the State.

(d) Each State Agency desiring to take part in the Program shall enter into a written agreement with the Department for the administration of the Program in the State in accordance with the provisions of this part. Such agreement shall show the class or classes of schools and child-care institutions in which the State Agency will administer the Program. Such agreement shall cover a fiscal year and may be extended at the option of the Department.

(e) References in this part to "FDAO where applicable" are to FDAO as the agency administering the Program in nonprofit private schools and child-care institutions in which the Program is not administered by the State.

§ 215.4 Payments to State Agencies.

(a) Funds shall be made available to each State Agency with which the Department has an agreement, by means of a Letter of Credit issued by C&MS to an appropriate Federal Reserve Bank in accordance with procedures applicable to C&MS. The Letters of Credit shall be designed to provide funds for State Agencies for the operation of the Program in such amounts and at such times as the funds are needed to reimburse schools and child-care institutions.

(b) As soon as possible after the beginning of each fiscal year for which funds are made available by the Congress, SLD shall establish the amount of funds to be included in each Letter of Credit on the basis of the total amount of reimbursement payments made to the State Agency during the preceding fiscal year and the need for payments during the current fiscal year to the class or classes of schools and child-care institutions in which the State Agency will administer the Program. SLD shall advise each State Agency through FDAO of the amount of funds which will be available to it for Program reimbursement during that fiscal year. This advice shall be in the form of a Schedule of Authorizations for the Issuance of Letters of Credit to State Agencies.

(c) Initially, each Letter of Credit shall authorize payment to the State Agency of stated monthly amounts for July through December operations. Revisions of each Letter of Credit, effective as of the first day of February, March, April, May, and June shall authorize payment of amounts, respectively, for each of the months January, February, March, and April, and an amount for May and June. All amounts made available to each State Agency shall be cumulatively available, when authorized, for the payment of all claims for reimbursement on operations during the fiscal year.

(d) The State Agency shall obtain funds needed to reimburse schools and child-care institutions through presentation by designated State officials of a Payment Voucher on Letter of Credit to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by C&MS and approved by the U.S. Treasury Department. The State Agency shall draw only such funds as are needed to pay claims certified for payment and shall use such funds without delay to pay the claims. State Agencies shall report information on the status of Program funds on a monthly basis to C&MS on a form provided by C&MS.

(e) Notwithstanding the foregoing provisions of this section, Program funds shall be made available to the State Agency in the District of Columbia by means of Treasury Department checks

on the same basis as is prescribed for payments made by Letters of Credit.

(f) Each State Agency shall return to C&MS any Federal funds paid to it under the Program which are unobligated at the end of the fiscal year. Such return shall be made as soon as practicable but in any event not later than 30 days following demand made by FDAO. Each State Agency shall also pay to C&MS any interest paid or credited on Federal funds paid to the State Agency under the Program.

§ 215.5 Use of funds.

Funds made available under this Program shall be used to increase the consumption of milk through reimbursement payments to schools and child-care institutions in connection with the purchase of milk for service to children.

§ 215.6 Requirements for participation.

(a) Any school or child-care institution not participating in the Program in the previous fiscal year shall make written application for participation to the State Agency, or FDAO where applicable.

(b) As a minimum, applications shall provide information on each of the items listed below, except that State Agencies may obtain some of the required information from other program forms or special inquiries or other sources prior to approval of a school or child-care institution for participation. Further exceptions may be made with respect to any of the items which SLD determines are not pertinent or necessary in the proper administration of the Program in the specific types of schools or child-care institutions for which a State Agency is responsible under its agreement with the Department.

(1) The name, location, and mailing address of the school or child-care institution;

(2) The type of nonprofit school or child-care institution;

(3) Whether the school or child-care institution is public or private;

(4) The total number of persons regularly having access to the milk service, including as separate items the average daily number of (i) children, (ii) adult staff members and employees, (iii) adults enrolled for care and training, and (iv) total persons in attendance.

(5) Whether the period of attendance is during the morning, afternoon, all day or on a 24-hour basis;

(6) If the application is for a school, whether the school is participating in the National School Lunch Program and, if not, whether the school is planning to apply for participation in the National School Lunch Program;

(7) Whether the applicant school or child-care institution operates its food or milk service under a contractual arrangement with a concessionaire or food service management company. If the applicant is a child-care institution, a copy of the contract must be attached to the application;

(8) The opening date and closing date of operation, within a fiscal year;

(9) The number of days of operation per week;

(10) A description of the milk service in sufficient detail to enable a determination of whether the school or child-care institution operates a pricing or nonpricing program;

(11) The net delivered cost of milk per half pint (after discount);

(12) The price per half pint at which the school or child-care institution offers children milk in a pricing program;

(13) A description of specific service practices planned for encouraging increased milk consumption by children, if the school or child-care institution offers children milk in a nonpricing program; and

(14) In addition, if applicant is a needy school as defined under paragraph (m) of § 215.2, and desires special assistances under the Program, (i) the reason why the school has not participated in the Program, (ii) the reason why the school believes it is eligible to participate in the Program as a needy school, (iii) any special problems in obtaining delivery of milk, (iv) the estimated number of needy children and (v) the proposed number of servings of milk without charge per child per day.

(c) Any school which operates the food or milk service in any attendance unit under a contractual arrangement with a concessionaire or food service management company or under similar arrangement shall not be eligible for participation in the Program with respect to such attendance unit, even though the school or such attendance unit obtains no profit from the operation of such food or milk service: *Provided, however,* That this does not exclude from participation any school:

(1) That contracts with a dairy or other milk supplier for the rental of milk service equipment and related services as a means of increasing the availability of milk;

(2) Whose food or milk service is operated by a private nonprofit organization, such as a parent-teacher association, under delegation of authority from school officials; or

(3) That maintains food or milk service, such as a snack bar, operated by students for the benefit of student activities, if (i) supplemental to regular nonprofit food or milk service or as the only food or milk service maintained, the school uses the student-operated facilities as a means of increasing the availability of milk rather than to employ labor for that purpose, (ii) the milk served through the student-operated facilities is purchased and sold for the account of nonprofit food or milk service, and (iii) any payments made by the school to the student-operated facility, for labor and other costs in connection with the service of milk to children, bear a direct relationship to the amount of services rendered.

(d) A child-care institution, that is a summer camp, in which the only opportunity to make milk available, additional to milk regularly served with meals, is through canteens or trading posts operated for attending children, may be approved for participation in the Program, subject to the same conditions on the use of canteens or trading posts as are established by paragraph (c)(3) of this section for the use of student-operated facilities.

(e) A child-care institution which operates its food or milk service under a contractual arrangement with a concessionaire or food service management company or under a similar arrangement may be approved for participation in the Program, after FDAO has approved the arrangement. To be approved by FDAO the arrangement must provide for:

(1) A specific fee for the management service, with the child-care institution procuring the food or reimbursing the concessionaire, food service management company, or other person for food expenditures made on behalf of the child-care institution;

(2) The service of milk in accordance with the plan for increasing milk consumption outlined in the application executed by the child-care institution;

(3) The maintenance of milk-purchase and other records necessary to enable the child-care institution to claim Program reimbursement; and

(4) The retention of the records for a period of three years after the end of the fiscal year to which they pertain, for audit and review at a reasonable time and place by the State Agency, OIG or C&MS.

(f) Any school or child-care institution approved for participation in the Program shall enter into a written agreement with the State Agency or, where FDAO is responsible for Program administration, with the Department. The school or child-care institution shall agree to:

(1) Conduct a nonprofit food service or, in the event no other food service is maintained, conduct a nonprofit milk service;

(2) Claim reimbursement only for milk as defined in this part and in accordance with the provisions of sections 215.7 and 215.9;

(3) Submit claims for reimbursement in accordance with procedure established by the State Agency, or FDAO where applicable;

(4) Maintain full and accurate records of its milk program, and retain such records for a period of 3 years after the end of the fiscal year to which they pertain; and

(5) Upon request, make all records pertaining to its milk program available to the State Agency and to OIG or C&MS for audit and administrative review, at a reasonable time and place.

§ 215.7 Reimbursement payments.

(a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A lunch by schools participating in the National School Lunch Program.

(b) In pricing programs, the maximum rate of reimbursement shall be 4 cents per half pint in schools that

serve Type A lunches under the National School Lunch Program. For other schools and for child-care institutions having pricing programs, the maximum rate of reimbursement shall be 3 cents per half pint. Schools and child-care institutions having pricing programs shall make maximum use of the reimbursement payments received under the Program to reduce the price of milk to children. The full amount of the payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed 1 cent per half pint. Exceptions to this provision may be granted by the State Agency, or FDAO where applicable, in instances where the situation in a school or child-care institution justifies distribution costs above 1 cent per half pint, but in no case shall distribution costs be allowed above 1½ cents per half pint.

(c) Less-than-maximum rates of reimbursement may be assigned to pricing programs, or rates assigned to such programs may be reduced, on a monthly or annual basis where necessary to obtain a proper relation between rates of reimbursement and (1) the price of milk to children, (2) the cost of milk, and (3) the distribution costs approved by the State Agency, or FDAO where applicable, pursuant to paragraph (b) of this section. In operations having centralized fiscal control, adjustments of rates of reimbursement may be made either on an individual attendance unit or on a schoolwide basis. In no event shall allowance for distribution costs exceed the approved distribution costs per half pint multiplied by the total number of half pints on which reimbursement is paid for the fiscal year.

(d) Schools and child-care institutions having nonpricing programs shall, at the time they apply for participation, submit for approval the specific service practices by which they plan to encourage increased milk consumption by children. Reimbursement payments to such schools and child-care institutions shall be made at the rate of 2 cents per half pint, provided the specific service practices for increasing milk consumption as outlined in the approved application have been placed into effect and remain in effect.

(e) When SLD determines that a reduction in the payment of claims for reimbursement is necessary to insure that expenditures are within the funds appropriated for the Program for any fiscal year, the State Agencies, or FDAO where applicable, shall pay claims for reimbursement for any of the months of the fiscal year at less than the amounts shown on the claims submitted by schools and child-care institutions. The percentage of such reduction shall be determined by SLD, and notice thereof given to State Agencies, and participating schools and child-care institutions under agreement with FDAO: *Provided,* That no reduction shall be made in the reimbursement authorized under paragraph (f) of this section.

(f) Notwithstanding any other provision of this section, the State Agency, or FDAO where applicable, may reimburse needy schools as defined in § 215.2(m), for milk served without charge to needy children, at a rate equal to the cost of milk to such schools, provided that such cost is within the range of the milk prices prevailing in the area.

§ 215.8 Effective date for reimbursement.

(a) A State Agency, or FDAO where applicable, may grant written approval to begin operations under the Program prior to the receipt of the application from the school or child-care institution. Such written approval shall be attached to the subsequently filed application, and the agreement executed by the school or child-care institution shall be effective from the date upon which the school or child-care institution was authorized to begin operations: *Provided, however,* That such effective date shall not be earlier than the calendar month preceding the calendar month in which the agreement is executed by the State Agency or by the Department.

(b) Reimbursement payments pursuant to § 215.7 shall be made on milk purchased for service to children at any time during the effective period of an agreement between a school or child-care institution and the State Agency or the Department.

§ 215.9 Reimbursement procedure.

(a) Each State Agency, or FDAO where applicable, shall require schools to submit a Claim for Reimbursement on a calendar month basis: *Provided, however,* That not more than 10 days of a beginning or ending month of Program operations in the fiscal year may be combined with the claim of the month immediately following the beginning month or preceding the ending month. Any Claim for Reimbursement combining the ending month of one fiscal year and the beginning month of the next fiscal year shall not be permitted. Any Claim for Reimbursement for any fiscal year, not received by the State Agency, or FDAO where applicable, within 90 days after the closing date of the fiscal year, shall be disqualified from payment, except where the State Agency, or FDAO where applicable, considers that a Claim for Reimbursement has been filed late because of circumstances beyond the control of the school or child-care institution.

(b) Each Claim for Reimbursement shall contain information on each of the items listed below, except that State Agencies may obtain the approval of SLD to secure some of the required information from applications for participation in the Program, or from other approved sources, without requiring the submission of information on each of the items on each claim: *Provided, however,* That in no way shall this exception relieve the State Agency from checking compliance in pricing programs pursuant to paragraphs (b) and (c) of § 215.7, nor shall this exception relieve any school or child-care institution from responsibility for conducting a pricing program in accordance with its agreement with the State Agency.

(1) The name, location, and mailing address of the school or child-care institution;

(2) The month and year for which claim is made;

(3) The total number of half pints of milk purchased for service to children;

(4) For any school that participates in the National School Lunch Program, the number of half pints of milk served to children in Type A lunches not eligible for reimbursement;

(5) The number of half pints of milk served to adult staff members and employees or adults enrolled for care and training as a beverage, as determined by the school or child-care institution pursuant to paragraph (d) of this section;

(6) The number of half pints of milk claimed for Program reimbursement;

(7) The rate of reimbursement per half pint, as assigned in the agreement between the school or child-care institution and the State Agency or the Department;

(8) The total amount of Program reimbursement claimed;

(9) The net cost of milk per half pint paid by the school or child-care institution to the milk supplier;

(10) Where milk has been offered in a pricing program, the price per half pint at which such milk was made available to children; and

(11) In the case of needy schools, (i) number of half pints of milk served without charge to needy children, and (ii) average daily number of needy children to whom milk was served.

(c) In submitting a Claim for Reimbursement, each school or child-care institution shall certify that the claim is true and correct; that records are available to support the claim; that the claim is in accordance with the existing agreement; and that payment therefor has not been received. Any school or child-care institution that does not offer children milk in a pricing program shall also certify that the specific service practices for encouraging increased milk consumption by children as described in its application for participation are in operation.

(d) Milk served as a beverage to adult staff members and employees and adults enrolled for care and training is not eligible for reimbursement. The number of half pints of milk served adults to be reported by a school or child-care institution in a Claim for Reimbursement shall be determined by actual daily count, or as a percentage of the total milk purchased. In the absence of a record of actual daily count:

(1) In making claims for reimbursement for periods after June 30, 1965, schools with no adults enrolled for care and training shall report 3 percent of the total milk purchased as the quantity of milk served to adults;

(2) Schools with adults enrolled for care and training and child-care institutions other than camps shall report as the quantity of milk served to adult staff

members and employees and adults enrolled for care and training, a number of half pints equal to the total milk purchased multiplied by a percentage adjustment factor assigned by the State Agency, or FDAO where applicable, at the time the school or child-care institution enters the Program and annually thereafter on the basis of the ratio of the total number of adults to the total persons in average daily attendance, regularly having access to the milk service.

(3) Camps shall report as the quantity of milk served to adult staff members and employees and adults enrolled for care and training, a number of half pints, determined on a Claim for Reimbursement Work Sheet, equal to the total milk purchased multiplied by the percentage that the total number of adults was of total number of persons in attendance, regularly having access to the milk service, during the month for which Claim for Reimbursement is submitted to the State Agency, or FDAO where applicable; or

(4) If no milk was served as a beverage to adult staff members and employees and adults enrolled for care and training, "zero" shall be reported as the quantity of milk served to adults.

(e) Any school or child-care institution having both pricing and nonpricing programs may claim reimbursement for: (1) The milk purchased for service in the pricing program, or (2) the milk purchased for service in the nonpricing program, or (3) the milk purchased for service in both types of program. When reimbursement is claimed for milk purchased for service in both types of program, the school or child-care institution shall be reimbursed at a rate of 2 cents per half pint, and to the extent feasible shall use the Program reimbursement to lower the price of the milk to children in the pricing program.

(f) Claims for Reimbursement covering milk purchased for service in pricing programs shall be reviewed by the State Agency, or FDAO where applicable, to assure that the proper relationship exists between the cost of milk, the allowable distribution cost, the price of milk to children and the assigned rate of reimbursement. Adjustments shall be made in rates of reimbursement, where necessary, in accordance with the provisions of this part.

(g) Schools in the National School Lunch Program may not be reimbursed at a rate in excess of 3 cents per half pint for milk purchased for service in a pricing program to children participating in summer activities operated by the school after the expiration of the regular school term, unless (1) the summer program is regarded by the school authorities as a regular part of school activities, (2) the program sponsor who signed the agreement covering the regular school term will be responsible for the operation of the summer program, and (3) the children who attend and participate in such activities are under the care and jurisdiction of the school officials.

(h) Schools in the National School Lunch Program experiencing late delivery of school lunch equipment or fire or other situation beyond school control, forcing delay or suspension of the service of Type A lunches for more than 30 days during the course of the school year may not be reimbursed at a rate in excess of 3 cents per half pint for milk served to children in a pricing program during the period of delay or suspension, unless an acceptable explanation is made in writing to the State Agency, or FDAO where applicable.

(i) Schools offering milk in a pricing program in more than one school attendance unit may be regarded by the State Agency, or FDAO where applicable, as a single school or as individual schools for reimbursement purposes. If regarded as a single school, reimbursement shall not be made at a rate in excess of 3 cents per half pint for any unit unless all units participate in the National School Lunch Program. If the units are regarded as individual schools, the State Agency, or FDAO where applicable, may assign reimbursement at a rate not in excess of 4 cents per half pint to those units that are participating in the National School Lunch Program, and distribution costs may be approved pursuant to paragraph (b) of § 215.7, (1) on an individual unit basis, or (2) on a schoolwide basis.

§ 215.10 Special responsibilities of State Agencies.

(a) *Program administration.* Each State Agency shall provide or cause to be provided, adequate personnel for Program administration.

(b) *State conducted audit programs.* A State Agency may submit for approval by OIG a plan whereby it will conduct audits in schools and child-care institutions in which it administers the Program. Any State Agency satisfactorily conducting such an audit program as of the effective date of this part may be deemed to have an approved plan or such State Agency may submit its plans for formal approval. Audits performed by or on behalf of State Agencies shall meet standards prescribed by OIG and shall be reviewed by OIG to the extent necessary to determine compliance therewith, such review to be made not less than once each year. OIG shall have the right to perform test audits of schools and child-care institutions, and to make audits on a statewide basis, if it determines that the State audit program is not functioning satisfactorily or if the State terminates its audit program.

(c) *Accounting for Program funds.* Each State Agency shall maintain a separate account of all Federal funds made available to it under the Program each fiscal year and shall maintain a current record of payments made to schools and child-care institutions and of any unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

(d) *Records and reports.* Each State Agency shall maintain current records on Program operations in schools and child-care institutions, and submit monthly reports to FDAO on such operations, on a form provided by SLD. Such records shall be maintained for a period of 3 years after the end of the fiscal year to which they pertain.

(e) *Investigations.* Each State Agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program and shall take appropriate action to correct any irregularities. State Agencies shall maintain on file evidence of such investigations and actions. OIG shall make investigations at the request of the State Agency or if SLD or FDAO determines investigations by OIG are appropriate.

§ 215.11 Claims against schools or child-care institutions.

(a) If a State Agency receives information or has reason to believe that a claim or a portion of a claim for reimbursement submitted by a school or child-care institution is not properly payable under this part, it shall not pay the claim or such portion of the claim and shall advise the school or child-care institution of the reasons for nonpayment or disallowance. The school or child-care institution may submit to the State Agency evidence and information to justify the total amount claimed, or may submit a reclaim for the portion disallowed, with appropriate justification therefor. The State Agency may make reimbursement in the amount it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(b) If a State Agency receives information or has reason to believe that a payment already made to a school or child-care institution was not proper under this part, it shall advise the school or child-care institution of the amount and basis of the alleged overpayments and may request a refund or advise the school or child-care institution that the amount overpaid is being deducted from subsequent claims. The school or child-care institution shall have full opportunity to present evidence and information to the State Agency to justify the amount of reimbursement paid. If the State Agency determines that the evidence is not sufficient, the State Agency shall collect the amount of the overpayment from the school or child-care institution, by refund or by deduction from subsequent claims for reimbursement made by the school or child-care institution. If new evidence becomes available to the school or child-care institution it may, within a reasonable time after the collection, make a reclaim for all or a portion of the amount so collected, and the State may pay the amount of any reclaim it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(c) The State Agency may refer any matter in connection with this section to FDAO and SLD for determination of the action to be taken.

(d) The State Agency shall retain for OIG audit and review all records pertaining to action taken under this section.

(e) If SLD does not concur with the State Agency action in paying a claim or a reclaim, or in failing to collect an overpayment FDAO shall assert a claim

against the State Agency for the amount of such claim, reclaim or overpayment. In all such cases, the State Agency shall have full opportunity to submit to SLD evidence or information concerning the action taken. If in the determination of SLD, the State Agency's action was unwarranted, the State Agency shall promptly pay to C&MS the amount of the claim, reclaim or overpayment.

(f) The amounts recovered by the State Agency from schools and child-care institutions may be utilized, first, to make reimbursement payments for milk served during the fiscal year for which the funds were initially available, and second, to repay any State funds expended in the reimbursement of claims under the program and not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to C&MS in accordance with the requirements of § 215.4(f).

(g) With respect to schools or child-care institutions in which FDAO administers the Program, when FDAO disallows a claim or a portion of a claim, or makes a demand for refund of an alleged overpayment, it shall notify the schools or child-care institutions of the reasons for such disallowance or demand and the schools or child-care institutions shall have full opportunity to submit evidence or to file reclaim for any amount disallowed or demanded in the same manner afforded in this section to schools or child-care institutions administered by State Agencies.

§ 215.12 Administrative analyses and audits.

Each State Agency shall provide C&MS with full opportunity to conduct administrative analyses (including visits to schools and child-care institutions), and OIG with full opportunity to conduct audits of all operations of the State Agency under the Program. Each State Agency shall make available its records, including records of the receipt and expenditure of funds under the Program, upon a reasonable request by C&MS or OIG. OIG shall also have the right to make audits of the records and operations of any school or child-care institution. In making administrative analyses or audits for any fiscal year, the State Agency and OIG in connection with audits of operations under the jurisdiction of a State Agency, may disregard any overpayment which does not exceed $5 or does not exceed the amount which is established under State law, regulation or procedure as a minimum amount for which claim will be made for State losses generally: *Provided, however,* That no overpayment shall be disregarded where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is evidence of violation of Federal or State statutes.

§ 215.13 Nondiscrimination.

The Department's regulations on nondiscrimination in federally assisted programs are set forth in Part 15 of this title. The Department's agreements with State Agencies, the State Agencies' agreements with schools and child-care institutions, and the FDAO agreements with nonprofit private schools and child-care institutions shall contain the assurances required by the said regulations.

§ 215.14 Miscellaneous provisions.

(a) *Disqualification and non-compliance.* Any State Agency or any school or child-care institution may be disqualified from future participation if it fails to comply with the provisions of this part and its agreement with the Department or the State Agency. This does not preclude the possibility of other action being taken through other means available where necessary, including prosecution for fraud under applicable Federal statutes. If any part of the money received by the State Agency or by any private school or child-care institution in which FDAO administers the Program, by an improper or negligent action, is diminished, lost, misapplied or diverted from the Program by the State Agency, or by the school or child-care institution to which such funds are disbursed, SLD may order such money to be replaced. Until the money is replaced, no subsequent payment shall be made to the State Agency or to the school or child-care institution causing the loss. The State Agency or the school or child-care institution shall have full opportunity to submit evidence, explanation or information concerning instances of noncompliance or diversion of funds before a final determination is made in such cases.

(b) *Saving clause.* Any or all of the provisions of this part may be withdrawn, or amended, at any time by the Department: *Provided, however,* That any withdrawal or amendment shall not be made without due prior notice in writing to the State Agencies or to nonprofit private schools or child-care institutions in which the Program is administered by FDAO.

(c) *State requirements.* Nothing contained in this part shall prevent a State Agency from imposing additional requirements for participation in the Program which are not inconsistent with the provisions of this part.

§ 215.15 Program information.

Schools and child-care institutions desiring information concerning the Program should write to their State educational Agency, or the appropriate Area Director of FDAO as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia: Food Distribution Area Office, C&MS, U.S. Department of Agriculture, 346 Broadway, Room 604, New York, N.Y., 10013.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia: Food Distribution Area Office, C&MS, U.S. Department of Agriculture, 50 Seventh Street NE., Room 252, Atlanta, Ga., 30323.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin: Food Distribution Area Office, C&MS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Ill., 60605.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas: Food Distribution Area Office, C&MS, U.S. Department of Agriculture, 500 South Ervay Street, Room 3–127, Dallas, Tex., 75201.

(e) In the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming: Food Distribution Area Office, C&MS, U.S. Department of Agriculture, Room 344, Appraisers' Building, 630 Sansome Street, San Francisco, Calif., 94111.

NOTE: The recordkeeping and reporting requirements herein specified have been approved by, and any further such requirements that may be established will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. Date of filing with the FEDERAL REGISTER.

Dated: November 26, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–12882; Filed, Dec. 1, 1965; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Eligibility Requirements for Price Support, Amdt. 3]

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

MEMBER BUSINESS

The regulations issued by the Commodity Credit Corporation, published in 30 F.R. 6907, 9260, and 9877 and containing eligibility requirements for cooperative marketing associations to obtain price support, are hereby amended as follows:

Section 1425.11 is amended to exclude from consideration as member or nonmember business tung oil delivered to an association pursuant to a marketing contract with CCC and to read as follows:

§ 1425.11 Member business.

If price support is sought for a commodity of a particular crop, not less than 80 percent of the commodity of such crop that is acquired by or delivered to the Association for marketing must be produced by its members or by members of its member associations. Purchases of commodities by the association from CCC and deliveries of tung oil to the associa-

tion pursuant to marketing contracts with CCC shall not be considered in determining the volume of member and nonmember business of the association.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 26, 1965.

ROLAND F. BALLOU,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 65-12933; Filed, Dec. 1, 1965; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 19509]

PART 545—OPERATIONS

Notice Concerning Distribution of Earnings by Federal Savings and Loan Associations

NOVEMBER 23, 1965.

Whereas, by Federal Home Loan Bank Board Resolutions No. 15,320 and 15,342, dated December 22 and 29, 1961, respectively, this Board resolved to amend § 545.1–1 of the rules and regulations for the Federal Savings and Loan System to provide for the quarterly distribution of dividends, the distribution of earnings on amounts withdrawn between distribution dates and for the establishment of a determination date not later than the 20th of the month; and

Whereas, said resolutions prohibited the utilization of these provisions prior to June 30, 1963, in certain States; and

Whereas, said date of June 30, 1963, was successively extended to June 30, 1964, to March 31, 1965, and, most recently, to July 1, 1966, to permit State legislatures to authorize similar activities by State-chartered savings and loan associations; and

Whereas, the Board has determined that further postponement is unwarranted:

Now, therefore, it is hereby resolved that this Board determines not to extend beyond July 1, 1966, the date on which all Federal savings and loan associations may utilize to the full extent the applicable provisions of paragraphs (b), (c) and (d) of § 545.1–1 of the rules and regulations for the Federal Savings and Loan System.

It is hereby further resolved that the Secretary to the Board is directed to transmit the foregoing to the Office of the Federal Register for publication.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 65-12926; Filed, Dec. 1, 1965; 8:51 a.m.]

[No. 19,510]

PART 555—BOARD RULINGS

Classification of Fraternity Houses; Rescission

NOVEMBER 23, 1965.

Whereas by Federal Home Loan Bank Board Resolution No. 19,466, dated October 28, 1965, and duly published in the FEDERAL REGISTER on November 3, 1965, this Board amended § 541.10–3 of the rules and regulations for the Federal Savings and Loan System (12 CFR 541.10–3) to define the term "other dwelling units" to include a structure or structures designed or used as fraternity houses which include sleeping accommodations for students of a college or university; and

Whereas such amendment requires the rescission of paragraph (a) of § 555.3 of the rules and regulations for the Federal Savings and Loan System (12 CFR 555.3(a)):

It is hereby resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of the rescission hereinafter set forth, and for the purpose of effecting such rescission, hereby rescinds paragraph (a) of § 555.3 of the rules and regulations for the Federal Savings and Loan System (12 CFR 555.3(a)), effective immediately.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

It is hereby further resolved that, as the foregoing rescission merely affects an interpretative rule, the Board hereby finds that notice and public procedure on said rescission are unnecessary under § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12), and section 4(a) of the Administrative Procedure Act and, for the same reason, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board and section 4(c) of the Administrative Procedure Act is not required and the Board hereby provides that the said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 65-12927; Filed, Dec. 1, 1965; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-EA-13]

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

Alteration, Designation and Revocation of Control Area Extensions, Control Zones and Transition Areas

On page 11142 of the FEDERAL REGISTER for August 28, 1965, the Federal Aviation Agency published proposed regulations which would revoke the Rosewood, Ohio, control area extension and Springfield, Ohio, control zone; alter the Wright-Patterson AFB, Ohio, Wilmington, Ohio and Dayton, Ohio control zones; designate 700-foot floor transition areas over Sidney Airport, Sidney, Ohio, Piqua Airport, Piqua, Ohio, Montgomery County Airport, Dayton, Ohio, Springfield Municipal Airport, Springfield, Ohio, James M. Cox-Dayton Municipal Airport, Dayton, Ohio, Patterson and Wright Air Force Bases, Dayton, Ohio, Clinton County AFB, Wilmington, Ohio; designate a 1,200-foot floor Dayton, Ohio, transition area.

Interested parties were given 45 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

OSCAR BAKKE,
Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations by deleting the Rosewood, Ohio, control area extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the Springfield, Ohio, control zone.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the Dayton, Ohio, control zone and inserting in lieu thereof:

DAYTON, OHIO

(JAMES M. COX-DAYTON MUNICIPAL)

Within a 5-mile radius of the center, 39°53'57" N., 84°13'14" W. of James M. Cox-Dayton Muncipal Airport, Dayton, Ohio, excluding that airspace within a 1-mile radius of the center, 39°54'52" N., 84°18'45" W. of Studebaker Farms Airport, Union, Ohio.

4. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the Wright-Patterson AFB, Ohio, control zone and insert in lieu thereof:

DAYTON, OHIO

(WRIGHT-PATTERSON AFB)

Within a 5-mile radius of the center, 39°48'25" N., 84°02'55" W. of Patterson AFB, Dayton, Ohio; within 2 miles each side of the Patterson VOR 039° radial extending from the 5-mile radius zone to 10 miles northeast of the VOR; within 2 miles each side of the Patterson TACAN 054° radial extending from the 5-mile radius zone to 8 miles northeast of the TACAN; within a 5-mile radius of the center, 39°46'35" N., 84°06'35" W. of Wright AFB, Dayton, Ohio; within a 5-mile radius of the center, 39°50'45" N., 83°50'15" W. of Springfield Municipal Airport, Springfield, Ohio; and within 2 miles each side of the Springfield RBN 054° bearing extending from the Springfield 5-mile radius zone to 6 miles northeast of the RBN.

5. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Wilmington, Ohio, control zone and inserting in lieu thereof:

WILMINGTON, OHIO

Within a 5-mile radius of the center, 39°-26'00" N., 83°48'00" W., of Clinton County AFB, Wilmington, Ohio; within 2 miles each side of the Clinton County RBN 037° bearing extending from the 5-mile radius zone to 7 miles northeast of the RBN; within 2 miles each side of the 212° bearing from a point 39°25'51" N., 83°48'10" W., extending from the 5-mile radius zone to 7 miles southwest of said point and within 2 miles each side of the centerline of Runway 22 extended from the 5-mile radius zone to 8 miles southwest of the end of the runway, including that airspace within a 1-mile radius of the center, 39°26'20" N., 83°42'20" W. of Hollister Field, Wilmington, Ohio.

6. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700- and 1,200-foot floor Dayton, Ohio, transition area described as follows:

DAYTON, OHIO

That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 39°59'00" N., 83°40'00" W. to 39°55'00" N., 83°37'00" W. to 39°45'00" N., 83°43'00" W. to 39°39'00" N., 84°07'00" W. to 39°45'00" N., 84°24'00" W. to 39°49'-00" N., 84°27'00" W. to 40°04'00" N., 84°17'-00" to the point of beginning.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 39°19'00" N., 84°00'00" W. to 39°40'00" N., 84°25'00" W. to 40°10'00" N., 85°00'00" W. to 40°30'00" N., 84°49'00" W. to 40°32'00" N., 84°30'00" W. to 40°29'00" N., 84°14'00" W. to 40°30'00" N., 83°50'00" W. to 40°00'00" N., 83°15'00" W. to 39°05'-00" N., 83°30'00" W. to the point of beginning.

7. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot floor Dayton, Ohio (Montgomery County), transition area described as follows:

DAYTON, OHIO

(MONTGOMERY COUNTY)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°35'28" N., 84°13'24" W. of Montgomery County Airport, Dayton, Ohio; and within 2 miles each side of the Montgomery VOR 145° radial extending from the 6-mile radius area to 8 miles southeast of the VOR, excluding that portion which lies within the Middletown, Ohio, transition area.

8. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot floor Piqua, Ohio, transition area described as follows:

PIQUA, OHIO

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°10'00" N., 84°19'00" W. of Piqua Airport, Piqua, Ohio; and within 2 miles each side of the Dayton VOR 024° radial extending from the 4-mile radius area to the VOR.

9. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot floor Sidney, Ohio, transition area described as follows:

SIDNEY, OHIO

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°14'23" N., 84°09'17" W. of Sidney Airport, Sidney, Ohio; and within 2 miles each side of the Rosewood VOR 242° radial extending from the 4-mile radius area to the VOR.

10. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot floor Wilmington, Ohio, transition area.

WILMINGTON, OHIO

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 39°26'00" N., 83°48'00" W. of Clinton County AFB, Wilmington, Ohio.

[F.R. Doc. 65-12916; Filed, Dec. 1, 1965; 8:50 a.m.]

[Airspace Docket No. 65-EA-37]

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

Designation of Control Zone

On page 11146 of the FEDERAL REGISTER for August 28, 1965, the Federal Aviation Agency published proposed regulations which would establish a part-time control zone for Tweed-New Haven Airport.

Interested parties were given 45 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a) of the Federal Aviation Act of 1958; (72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

WAYNE S. HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a part time control zone for New Haven, Conn., described as follows:

NEW HAVEN, CONN.

Within a 4-mile radius of the center, 41°15'51" N., 72°53'11" W., of Tweed-New Haven Airport, New Haven, Conn.; within 2 miles each side of the centerline of Runway 1 extended from the 4-mile radius zone to 4 miles north of the end of the runway; and within 2 miles each side of the New Haven VOR 192° radial extending from the 4-mile radius zone to 7 miles south of the VOR. This control zone is effective from 0700 to 1700 hours, local time, daily and during specific dates and times established in advance by a Notice to Airmen.

[F.R. Doc. 65-12917; Filed, Dec. 1, 1965; 8:50 a.m.]

[Airspace Docket No. 65-EA-31]

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

Alteration, Designation of Control Zone and Transition Area

On page 11145 of the FEDERAL REGISTER for August 28, 1965, the Federal Aviation Agency published proposed regulations which would alter the Houlton, Maine Control Zone; designate a 700-foot floor transition area over Houlton International Airport, Houlton, Maine, and designate a 1,200-foot floor Houlton, Maine Transition Area.

Interested parties were given 45 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

WAYNE S. HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Houlton, Maine, control zone and insert in lieu thereof:

HOULTON, MAINE

Within a 4-mile radius of the center, 46°-07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine, and within 2 miles each side of the Houlton VOR 018° radial extending from the 4-mile radius zone to the VOR, excluding the airspace within Canada.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate 700- and 1,200-foot floor Houlton, Maine, transition areas described as follows:

That airspace extending upwards from 700 feet above the surface within a 7-mile radius of the center, 46°07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine; within 2 miles each side of the Houlton VOR 198° radial extending from the 7-mile radius area to 8 miles south of the VOR.

That airspace extending upward from 1,200 feet above the surface within an area beginning at the intersection southeast of Presque Isle, Maine, of the United States-Canadian border and a 40-mile radius arc centered at 46°57'05" N., 67°53'10" W. (Loring AFB), thence clockwise along this arc to 46°33'00" N., to 45°56'00" N., 68°36'00" W. to 45°38'00" N., 67°40'30" W. thence along the United States-Canadian border to the point of beginning, excluding the airspace within Canada.

[F.R. Doc. 65-12918; Filed, Dec. 1, 1965; 8:50 a.m.]

[Airspace Docket No. 65-EA-30]

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

Alteration, Designation of Control Zones

On pages 11144 and 11145 of the FEDERAL REGISTER for August 28, 1965, the Federal Aviation Agency published proposed regulations which would alter the Limestone, Maine, and Presque Isle, Maine, control zones; designate a 700-foot floor transition area over Presque Isle Municipal Airport, Presque Isle, Maine, Caribou Municipal Airport, Caribou, Maine, and Loring AFB, Limestone, Maine; designate a 1,200-foot floor Presque Isle, Maine transition area.

Interested parties were given 45 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

WAYNE S. HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Limestone, Maine, control zone and insert in lieu thereof:

LIMESTONE, MAINE

Within a 5-mile radius of the center, 46°57'05" N., 67°53'10" W., of Loring AFB, Limestone, Maine, excluding the portion outside of the United States; within 2 miles each side of the Loring TACAN 168° radial extending from the 5-mile radius zone to 6.5 miles south of the TACAN; and within 2 miles each side of the Loring TACAN 348° radial extending from the 5-mile radius zone to 7 miles north of the TACAN.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Presque Isle, Maine, control zone and insert in lieu thereof the following:

PRESQUE ISLE, MAINE

Within a 5-mile radius of the center, 46°41'30" N., 68°02'30" W., of Presque Isle Airport, Presque Isle, Maine; within 2 miles each side of the Presque Isle VOR 159° radial extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the Sprague ville RR., south course extending from the 5-mile radius zone to 7 miles south of the RR.

This control zone is effective from 0800 to 2000 hours, local time, daily, 0800 to 1730 hours local time, Saturdays and during specific dates and times established in advance by a Notice to Airmen.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700- and 1,200-foot floor Presque Isle, Maine, transition area described as follows:

PRESQUE ISLE, MAINE

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 46°41'30" N., 68°02'30" W., of Presque Isle Airport, Presque Isle, Maine; within 2 miles each side of the Presque Isle VOR 339° radial extending from the 8-mile radius area to 8 miles north of the VOR; within 2 miles each side of the Sprague ville R.R., south course extending from the 8-mile radius area to 8 miles south of the RR.; within a 5-mile radius of the center, 46°52'14" N., 68°01'07" W., of Caribou Airport, Caribou, Maine; within an 8-mile radius of the center, 46°57'05" N., 67°53'10" W., of Loring AFB, Limestone, Maine; within 2 miles each side of the Loring TACAN 348° radial extending from the Loring 8-mile radius area to 12 miles north of the TACAN; within 2 miles each side of the Loring ILS localizer south course extending from the Loring 8-mile radius area to 12 miles south of the OM, excluding the portion outside the United States.

That airspace extending upward from 1,200 feet above the surface within a 40-mile radius of the center of Loring AFB excluding the portion outside of the United States.

[F.R. Doc. 65-12919; Filed, Dec. 1, 1965; 8:50 a.m.]

[Airspace Docket No. 65-EA-28]

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

Alteration, Designation and Revocation of Control Area Extensions, Control Zones and Transition Areas

On pages 11143 and 11144 of the FEDERAL REGISTER for August 28, 1965, the Federal Aviation Agency published proposed regulations which would revoke the Plattsburgh, N.Y., and Newport, Vt., control area extensions; alter the Burlington, Vt., Montpelier, Vt., and Massena, N.Y., control zones; alter the Massena, N.Y., and Montpelier, Vt., transition areas; designate 700-foot floor transition areas over Plattsburgh AFB, Plattsburgh, N.Y., Adirondack Airport, Saranac Lake, N.Y., Newport Municipal Airport, Newport, Vt., and Burlington Municipal Airport, Burlington, Vt.; designate a 1,200-foot floor Burlington, Vt., transition area.

Interested parties were given 45 days after publication in which to submit written data or views. All comments received were favorable.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 3, 1966.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on November 19, 1965.

OSCAR BAKKE,
Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations by deleting the Plattsburgh, N.Y., control area extension.

2. Amend § 71.165 of Part 71 of the Federal Aviation Regulations by deleting the Newport, Vt., control area extension.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Burlington, Vt., control zone and inserting in lieu thereof:

Within a 5-mile radius of the center, 44°-28'15" N., 73°09'10" W., of the Burlington Airport, Burlington, Vt.; within 2 miles each side of the Burlington ILS localizer northwest course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the Burlington VOR 018° radial extending from the 5-mile radius zone to the VOR.

4. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Massena, N.Y., control zone and inserting in lieu thereof:

Within a 5-mile radius of the center, 44°-56'10" N., 74°50'50" W., of Richards Field, Massena, N.Y.; within 2 miles each side of the Massena VOR 284° radial extending from the 5-mile radius zone to the VOR excluding the airspace within Canada.

5. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Montpelier, Vt., control zone and inserting in lieu thereof:

Within a 5-mile radius of the center, 44°12'15" N., 72°33'45" W., of Barre-Montpelier Airport, Montpelier, Vt.; within 2 miles each side of the Montpelier VOR 160° radial extending from the 5-mile radius zone to 8 miles south of the VOR within 2 miles each side of the centerline of Runway 23 extended from the 5-mile radius zone to 8 miles southwest of the end of Runway 23.

6. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Massena, N.Y., transition area and inserting in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°56'10" N., 74°50'50" W., of Richards Field, Massena, N.Y.; within 3 miles each side of the Massena VOR 104° and 284° radials extending from the 5-mile radius to 8 miles east of the VOR excluding the airspace within Canada.

7. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Montpelier, Vt., transition area and inserting in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 44°12'15" N., 72°33'45" W., of Barre-Montpelier Airport, Montpelier, Vt.

8. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot floor Plattsburgh, N.Y., transition area described as follows:

PLATTSBURGH, N.Y.

That airspace extending upward from 700 feet above the surface within a 13-mile radius of the center, 44°39'05" N., 73°28'10" W., of Plattsburgh AFB, Plattsburgh, N.Y.; within 2 miles each side of the airport ILS localizer north course extending from the 13-mile radius area to 12 miles north of the OM; within 2 miles each side of the Plattsburgh radio beacon 004° bearing extending from the 13-mile radius area to 8 miles north of the RBN; within 2 miles each side of the Plattsburgh VOR 033° radial extending from the 13-mile radius area to 8 miles northeast of the VOR.

9. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot floor Saranac Lake, N.Y., transition area described as follows:

SARANAC LAKE, N.Y.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 44°23'04" N., 74°12'09" W., of Adirondack Airport, Saranac Lake, N.Y.; within 5 miles south and 8 miles north of the Saranac Lake VOR 237° radial extending from the VOR to 12 miles southwest of the VOR. This transition area is effective from sunrise to sunset, daily.

10. Amend § 71.181 of Part 71 of the Federal Aviation regulations by designating a 700-foot floor Newport, Vt., transition area described as follows:

NEWPORT, VT.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°53'22" N., 72°13'48" W., of Newport Airport, Newport, Vt.; within 2 miles each side of a bearing 032° from the Newport radio beacon extending from the 5-mile radius area to 8 miles northeast of the radio beacon, excluding the portion overlying Canada. This transition area is effective from sunrise to sunset, daily.

11. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700- and 1,200-foot floor Bur-

lington, Vt., transition area described as follows:

BURLINGTON, VT.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 44°28'15" N., 73°09'10" W., of Burlington Airport, Burlington, Vt.; within 2 miles each side of the Burlington VOR 198° radial extending from the 10-mile radius to 8 miles south of the Burlington VOR; within 8 miles northeast and 5 miles southwest of the Burlington ILS northwest localizer course extending from the 10-mile radius to 12 miles northwest of the Burlington LOM; excluding that airspace that coincides with the Plattsburgh, N.Y., transition area.

That airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at: 45°00'30" N., 72°00'00" W. to 44°55'00" N., 72°05'00" W. to 44°25'00" N., 72°20'00" W. to 43°55'00" N., 72°16'00" W. to 43°47'00" N., 72°39'00" W., 44°00'00" N., 73°16'00" W. to 44°00'00" N., 74°35'00" W. to 44°42'00" N., 74°54'00" W. to 44°42'00" N., 75°05'00" W. to 44°56'00" N., 75°05'00" W. thence easterly along the United States-Canadian Border to the point of beginning.

[F.R. Doc. 65-12920; Filed, Dec. 1, 1965; 8:51 a.m.]

[Airspace Docket No. 65-EA-95]

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

Designation and Revocation of Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a continuous airway bearing one designating number between the Washington, D.C., and Boston, Mass., terminal areas, and to revoke an airway between Norwich, Conn., and Hampton, N.Y., which would coincide with the continuous airway. This designation and revocation of Federal airways will be coincident with existing airways and therefore will not assign or revoke controlled airspace.

In Airspace Docket No. 65-WA-31 (30 F.R. 13903) the 800 series airways were revoked and Victor 457 was extended from Norwich to Hampton, N.Y., to provide continuity in the airways structure for a preferred route from Washington to Boston, effective January 6, 1966. Subsequent to the publication of that docket, it was determined that the volume of traffic between Washington and Boston warranted the establishment of an airway bearing a single designator between these terminals. Concurrently with the designation of this airway, the segment of V-457 between Norwich and Hampton becomes unnecessary and is therefore revoked.

Since this amendment does not alter the extent of controlled airspace, imposes no additional burden upon any person, and is in the public interest, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

Section 71.123 (29 F.R. 17509, 30 F.R. 13903) is amended as follows:

1. In V-308 "to Nottingham." is deleted and "Nottingham; Kenton, Del.; INT of Kenton 086° and Sea Isle, N.J., 049° radials (Avalon INT); INT of Sea Isle 049° and Hampton, N.Y., 223° radials (Dutch INT); Hampton; INT Hampton 059° and Norwich, Conn., 177° radials; Norwich; Putnam, Conn.; INT Putnam 043° and Boston, Mass., 256° radials; to Boston. The airspace below 2,000 feet MSL that lies outside the United States and the airspace below 3,000 feet MSL between Kennedy, N.Y., 087° and 141° radials is excluded." is substituted therefor.

2. V-457 is amended to read as follows:

V-457 From Norwich, Conn., via Providence, R.I.; INT Providence 013° and Boston, Mass., 223° radials; to Boston.

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

Issued in Washington, D.C., on November 24, 1965.

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

[F.R. Doc. 65-12857; Filed, Dec. 1, 1965; 8:45 a.m.]

[Airspace Docket No. 64-SO-58]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Routes

On November 16, 1965, Federal Register Document No. 65-12227 was published in the FEDERAL REGISTER (30 F.R. 14313) amending Parts 71 and 75 of the Federal Aviation Regulations effective January 6, 1966. Included in this Document was the realignment of Jet Route No. 53 via the direct radials between Vero Beach, Fla., and Daytona Beach, Fla. Jet Route No. 20 is presently designated in part from Orlando, Fla., to the intersection of the Orlando 118° and the Vero Beach 339° radials. This intersection lies over the centerline of the present alignment of Jet Route No. 53 between Vero Beach and Jacksonville, Fla. Realignment of Jet Route No. 53 as accomplished in Federal Register Document No. 65-12227 would result in termination of Jet Route No. 20 approximately 1 mile to the west of the centerline of Jet Route No. 53. In order to provide continuity between Jet Routes Nos. 20 and 53, action is taken herein to extend Jet Route No. 20 to intersect the centerline of Jet Route No. 53.

Since this alteration is editorial in nature and extends Jet Route No. 20 only 1 mile within already existing controlled airspace, the Administrator finds that notice and public procedure hereon are unnecessary and the effective date of the amendment as initially adopted may be retained.

In consideration of the foregoing, Federal Register Document No. 65-12227 (30 F.R. 14313) is amended, effective immediately, as hereinafter set forth.

Paragraph e is added to section 2 as follows:

e. In Jet Route No. 20 "Vero Beach, Fla., 339°" is deleted and "Vero Beach, Fla., 341°" is substituted therefor.

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

Issued in Washington, D.C., on November 26, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-12921; Filed, Dec. 1, 1965; 8:51 a.m.]

[Docket No. 6806; Amdt. No. 127-4]

PART 127—CERTIFICATION AND OPERATION OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

Assignment of Emergency Duties to Crewmembers, and Alcoholic Beverage Consumption

This amendment adds to Part 127 of the Federal Aviation Regulations §§ 127.147, and 127.229 to provide for the assignment of individual emergency evacuation functions to required crewmembers on helicopters operated by scheduled air carriers, and for the control of drinking and service of alcoholic beverages on those helicopters.

This amendment was originally proposed as a notice of proposed rule making issued as Notice No. 65-17 and published in the FEDERAL REGISTER on July 30, 1965 (30 F.R. 9548).

All of the written comments that were received favored the proposed amendments.

Interested persons have been given an opportunity to participate in the making of this amendment, and careful consideration has been given to all relevant matter presented.

In consideration of the foregoing, and for the reasons set forth in Notice No. 65-17, Part 127 of the Federal Aviation Regulations is amended, effective December 31, 1965, as follows:

1. By adding a new section following § 127.145 to read as follows:

§ 127.147 Emergency and emergency evacuation duties.

(a) Each certificate holder shall, for each type of helicopter, assign to each category of required crewmember, as appropriate, the necessary functions to be performed in an emergency or a situation requiring emergency evacuation. The certificate holder shall show those functions are realistic, can be practically accomplished, and will meet any reasonably anticipated emergency including the possible incapacitation of individual crewmembers or their inability to reach the passenger cabin because of shifting cargo in combination cargo-passenger helicopters.

(b) The certificate holder shall describe in its manual the functions of each category of required crewmembers under paragraph (a) of this section.

2. By adding a new section following § 127.227 to read as follows:

§ 127.229 Alcoholic beverages.

(a) No person may drink any alcoholic beverage aboard a helicopter unless the certificate holder operating the helicopter has served that beverage to him.

(b) No certificate holder may serve any alcoholic beverage to any person aboard any of its helicopters if that person appears to be intoxicated.

(c) No certificate holder may allow any person to board any of its helicopters if that person appears to be intoxicated.

(d) Each certificate holder shall, within 5 days after the incident, report to the Administrator the refusal of any person to comply with paragraph (a) of this section, or any disturbance caused by a person who appears to be intoxicated aboard any of its helicopters.

(Secs. 313(a), 601, and 604(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on November 24, 1965.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 65-12858; Filed, Dec. 1, 1965; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-96]

PART 311—DISCLOSURE OF AIRCRAFT ACCIDENT INVESTIGATION INFORMATION

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of November 1965.

The Board believes it desirable to amend Part 311 in order to clarify its policies and procedures with respect to the release of aircraft accident information and, more particularly, the disclosure of aircraft accident information by Board employees in connection with suits or actions for damages growing out of accidents.

In the past private parties, or their attorneys, have construed § 311.2, which authorizes release of certain information concerning aircraft accidents, such as names and addresses of the occupants of the aircraft and of witnesses to the accident, as requiring the Board employees to furnish such information even where it is not available in the Board's files. No such requirement was ever intended by the rule and the new § 311.3(c) expressly states that the Board employees are under no duty to obtain this information where it is not available in the Board's files.

The Board's regulations have restricted the testimony of its employees to the facts observed by them in the course of their accident investigations where an appropriate showing is made that such facts cannot be obtained by any other method. Part 311 has been revised to contain a statement of the considerations on which such a restriction is based. In addition the revised regulations contain more specific provisions with respect to the procedures to be followed for obtaining the testimony of Board employees for use in litigation by way of deposition and point out that no necessity exists for subpoenaing a Board employee or for requesting the Board to approve the giving of testimony by a former Board employee. Revised Part 311 also contains editorial changes which are intended to clarify the former provisions.

Since this regulation constitutes a rule of agency procedure, notice and public procedure thereon are not required.

In consideration of the foregoing, the Civil Aeronautics Board hereby adopts revised Part 311 of the Procedural Regulations (14 CFR Part 311) effective January 3, 1966, which reads as follows:

Sec.
311.1 Purpose.
311.2 Finding as to the public interest.
311.3 Release of information concerning accidents.
311.4 Disclosure of information by testimony in suits or actions for damages arising out of aircraft accidents.
311.5 Disclosure of information by testimony in state and local investigations.
311.6 Release and disclosure of information pertaining to aircraft incidents not classified as accidents.

AUTHORITY: The provisions of this Part 311 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 102, 202(a), 701, 72 Stat. 740, 742, 781; 49 U.S.C. 1302, 1322, 1441.

§ 311.1 Purpose.

This part prescribes the policies and procedures of the Board with respect to the release of information coming into the possession of the Board or its staff in the course of conducting investigations of aircraft accidents. This part also establishes procedures for the disclosure of such aircraft accident information by testimony of Board employees in suits or actions for damages arising out of aircraft accidents and in State or local investigations.[1]

§ 311.2 Finding as to the public interest.

All accident reports and underlying papers in the office of the Bureau of Safety are in the custody of the Secretary of the Board subject to access by employees of the Board for purposes relating to their official duties. Employees have no control of such reports and papers, and no discretion with regard to permitting the use of them for any other purpose except as provided in this part. Making such reports or underlying papers public otherwise than as provided in this part is hereby found to be contrary to the public interest. Employees are hereby prohibited from giving out any such reports, papers or copies thereof to private parties or to local officers; or from testifying in any suit or action for damages as to information in such reports or papers; or producing such reports, papers, or copies thereof in any suit or action for damages (whether in answer to subpoenas duces tecum or otherwise), except as provided in this part.

§ 311.3 Release of information concerning accidents.

Information secured by the Board concerning accidents involving aircraft may be released only as follows:

(a) *Regional field offices.* Supervisory Investigators of field offices shall, upon request, release the following information concerning any accident at any time during or after the investigation of the accident:

(1) Place and date of the accident;

(2) Make, model, identification mark, and registered owner or operator of the aircraft involved;

(3) Names and addresses of the crew and other occupants of the aircraft or persons injured in the accident, and

(4) Medical information pertaining to the nature of any fatalities resulting from the accident and to the condition of injured persons when that information is factually established by physicians or hospitals. Disclosure of this information must be qualified by the statement that such information is based on reports of physicians or hospitals.

(b) *The Washington office.* The Director of the Bureau of Safety or such person in the Washington office as he shall designate shall, upon request, release the information described in paragraph (a) of this section. In addition, the Director or his designee shall, upon request:

(1) Release the names of witnesses and their addresses;

(2) Make replies as to facts in answer to specific inquiries, either verbal or written, concerning aircraft accidents; and

(3) Make available for inspection that portion of the file which contains factual data pertinent to the accident, but shall not make available any portion of the file which contains any opinion, conclusion, evaluation, or recommendation of any employee of the Board or any employee of the Federal Aviation Agency who has participated in the accident investigation; and furnish copies of only those documents in the accident file which are available for inspection under this subparagraph, provided that the expense of making such copies is borne by the recipient.

(c) Nothing in this section is to be interpreted as requiring Board employees to secure information for release where such information is not presently in the Board's files.[2]

§ 311.4 Disclosure of information by testimony in suits or actions for damages arising out of aircraft accidents.

Section 701(e) of the Federal Aviation Act (49 U.S.C. 1441(e)) precludes the use of the Board's reports in any suit or action for damages arising out

[1] The procedures of the Federal Aviation Agency for the disclosure of information with respect to the testimony of its employees as witnesses in legal proceedings and the release or disclosure of FAA files and documents are contained in Part 185 of the Federal Aviation Agency's regulations (14 CFR Part 185).

[2] The Board's rules governing the conduct of aircraft accident investigations are contained in Part 320 of the Board's regulations (14 CFR Part 320).

of an accident. The purpose of section 701(e) would be defeated if expert opinion testimony of Board employees, and their evaluations, conclusions and recommendations which are reflected in the ultimate views of the Board expressed in its report concerning the cause of the accident and the prevention of future accidents, are admitted in evidence or used in any way in private litigation arising out of an aircraft accident. For the same reason, the use of employees' factual reports in private litigation arising out of accidents would defeat the purpose of section 701(e). Furthermore, the use of Board employees as experts to give opinion testimony in court would impose a serious administrative burden on the Board's investigative staff. Accordingly, no Board employee or former Board employee shall make public by testimony in any suit or action arising out of an aircraft accident information obtained by him in the performance of his official duties, except in accordance with the following provisions:

(a) *Testimony of employees and former employees.* Employees may serve as witnesses for the purpose of testifying to the facts observed by them in the course of accident investigations in those suits or actions for damages arising out of aircraft accidents in which an appropriate showing has been made that the facts desired to be adduced are not reasonably available to the party seeking such evidence by any other method, including the use of discovery procedures against the opposing party. Employees and former employees shall testify only as to facts actually observed by them in the course of accident investigations and shall respectfully decline to give opinion evidence as expert witnesses, their evaluations and conclusions, or testify with respect to recommendations resulting from accident investigations on the grounds that section 701(e) and this part prohibit their giving such testimony. Litigants are expected to obtain their expert witnesses from other sources.

(b) *Use of reports.* An employee or former employee may use his factual report solely to refresh his memory, and shall decline to read any portion thereof into the record or refer to it or comment with respect to its contents.

(c) *Testimony by deposition and written interrogatories.* Testimony of employees will be made available for use in suits or actions for damages arising out of accidents through depositions or written interrogatories. Normally depositions will be taken and interrogatories will be answered at the Board's office to which the employee is assigned at a time arranged with the employee reasonably fixed so as to avoid substantial interference with the performance of the duties of the employee concerned. Employees will not be permitted to appear and testify in court except in the most unusual circumstances for good cause shown. Mere failure to make a timely request for a deposition will not be regarded as an unusual circumstance.

(d) *Request for testimony of employees.* (1) A request for testimony of a Board employee relating to an aircraft accident by deposition, interrogatories, or appearance in court shall be addressed to the Associate General Counsel, Rules and Rates Division, who may approve or deny the request. Such request shall set forth the title of the case and the court and the reasons for desiring the testimony and shall limit the testimony sought to that available under the provisions of paragraph (a) of this section. The Associate General Counsel shall attach to his approval such reasonable conditions as he may deem appropriate in order that the testimony shall be limited to factual matters as provided in paragraph (a) of this section, shall not interfere with the performance of the duties of the witnesses as set forth in paragraph (c) of this section, and shall otherwise conform to the policies of this part. Upon completion of a deposition a copy of the transcript of testimony will be furnished at the expense of the party requesting the deposition to the Associate General Counsel, Rules and Rates Division, for the Board's files.

(2) A subpoena should not be served upon a Board employee in connection with the taking of his deposition.

(e) *Request for testimony of former employees.* It is not necessary to request approval for testimony of a former Board employee.

(f) *Procedure in the event of a subpoena.* If an employee has received a subpoena to appear and testify, a request for approval of his deposition testimony shall not be approved until the subpoena has been withdrawn. If any employee receives a subpoena to produce accident reports or underlying papers or to give testimony at a time and place specified therein as to accident information, the employee shall immediately notify the Director, Bureau of Safety. He shall give the data identifying the accident; the title of the case, the name of the judge, if available, and the title and address of the court; the date on which he is directed to appear; the name, address and telephone number, if available, of the attorney representing the party who caused the issuance of the subpoena, the scope of the testimony, if known, and whether or not the evidence is available elsewhere. The Director will immediately, upon receipt of notice that an employee has been subpoenaed, inform the General Counsel. The General Counsel will either (1) make arrangements with the court to have the employee excused from testifying or (2) give the employee permission to testify. Unless one of these actions is taken, the employee shall appear in response to the subpoena and respectfully decline to testify or to produce the records called for, on the grounds that this part prohibits such conduct. In carrying out the provisions of this paragraph, the General Counsel shall be guided by the policies set forth in this part.

§ 311.5 Disclosure of information by testimony in State and local investigations.

Employees and former employees may testify in a coroner's inquest and a grand jury proceeding by a State or local government only as to the facts actually observed by them in the course of accident investigations and shall not give opinion evidence as expert witnesses or testify with respect to recommendations resulting from accident investigations.

§ 311.6 Release and disclosure of information pertaining to aircraft incidents not classified as accidents.

Information secured by the Board in the investigation of an aircraft incident not classified as an aircraft accident may be released or disclosed upon request, but only in accordance with the provisions of §§ 311.1 to 311.5.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-12924; Filed, Dec. 1, 1965; 8:51 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

MISCELLANEOUS AMENDMENTS

Under the provisions of 15 U.S.C. 275a and 277, the following amendments relating to standard reference materials issued by the National Bureau of Standards are effective upon publication in the FEDERAL REGISTER. The amendments add certain standard reference materials.

The following amends 15 CFR Part 230.

§ 230.8-9 [Amended]

1. Section 230.8-9 Glass Viscosity Standards is amended to add standards 712, 713, and 714 as follows:

Sample Nos.	Kind	Unit of issue (pounds)	Price
712	Mixed alkali lead silicate glass, ¼" patties (6 pcs.).	0.5	$25.00
713	Dense barium crown 620/603 glass—1⅜" diam. x ⅝" thick gobs (4 pcs.).	.5	25.00
714	Alkaline earth alumina silicate glass—¼" diam. cane (16 pcs.—6" long).	.5	25.00

2. Section 230.8–22 Thermal emittance standards is added as follows:

§ 230.8–22 Thermal emittance standards.

Sample No.	Kind	Price
1402	Emittance Standards, ½" discs Pt-13% Rh.	$175.00
1403	Emittance Standards, ⅞" discs Pt-13% Rh.	185.00
1404	Emittance Standards, 1" discs Pt-13% Rh.	200.00
1405	Emittance Standards, 1⅛" discs Pt-13% Rh.	235.00
1406	Emittance Standards, 1¼" discs Pt-13% Rh.	250.00
1407	Emittance Standards, 2" x 2" squares Pt-13% Rh.	385.00
1408	Emittance Standards, 1" x 10" strips Pt-13% Rh.	600.00
1409	Emittance Standards, ¾" x 10" strips Pt-13% Rh.	750.00
1420	Emittance Standards, ½" discs Kanthal.	175.00
1421	Emittance Standards, ⅞" discs Kanthal.	175.00
1422	Emittance Standards, 1" discs Kanthal.	175.00
1423	Emittance Standards, 1⅛" discs Kanthal.	175.00
1424	Emittance Standards, 1¼" discs Kanthal.	175.00
1425	Emittance Standards, 2" x 2" squares Kanthal.	175.00
1426	Emittance Standards, 1" x 10" strips Kanthal.	175.00
1427	Emittance Standards, ¾" x 10" strips Kanthal.	175.00
1428	Emittance Standards, ¼" x 8" strips Kanthal.	175.00
1440	Emittance Standards, ½" discs Inconel.	175.00
1441	Emittance Standards, ⅞" discs Inconel.	175.00
1442	Emittance Standards, 1" discs Inconel.	175.00
1443	Emittance Standards, 1⅛" discs Inconel.	175.00
1444	Emittance Standards, 1¼" discs Inconel.	175.00
1445	Emittance Standards, 2" x 2" squares Inconel.	175.00
1446	Emittance Standards, 1" x 10" strips Inconel.	175.00
1447	Emittance Standards, ¾" x 10" strips Inconel.	175.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277; interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 65–12856; Filed, Dec. 1, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–985]

PART 13—PROHIBITED TRADE PRACTICES

1895 Associates, Inc., and Bernard K. Hoffer

Subpart—Enforcing Dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, 1895 Associates, Inc., et al., New York, N.Y., Docket C–985, Sept. 2, 1965]

Consent order requiring New York City publisher of the newspaper National Jewish Chronicle, to cease and desist from publishing unordered or unauthorized advertisements and from making unlawful demands for payment of nonexistent debts.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents 1895 Associates, Inc., a corporation, and its officers, and Bernard K. Hoffer, individually and as an employee of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the soliciting, offering for sale or sale of advertising space in the newspaper designated as National Jewish Chronicle, or any other publication, whether published under that name or any other name, and in connection with the offering for sale, sale or distribution of said newspaper, or any other publication, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Placing, printing or publishing, or causing to be placed, printed or published, any advertisement on behalf of any person, firm or corporation in any publication without a prior authorization, order or agreement to purchase said advertisement.

2. Sending or causing to be sent, bills, letters or notices to any person, firm or corporation with regard to any advertisement which has been or is to be printed, inserted or published on behalf of said person, firm or corporation, or in any other manner seeking to exact payment for any such advertisement, without a prior authorization, order or agreement to purchase said advertisement.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 2, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65–12888; Filed, Dec. 1, 1965; 8:48 a.m.]

[Docket No. C–981]

PART 13—PROHIBITED TRADE PRACTICES

Federated Department Stores, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731; as amended; 15 U.S.C. 18) [Order of divestiture, Federated Department Stores, Inc., Cincinnati, Ohio, Docket C–981, Aug. 5, 1965]

Consent order requiring the nation's fourth largest department store company of Cincinnati, Ohio, to desist from acquiring any department store or any general merchandise, apparel, or furniture store, as defined in this order, for the next 5 years, without the prior consent of the Commission.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I

It is ordered, That, for five (5) years from the effective date of this order, respondent, Federated Department Stores, Inc., shall cease and desist from acquiring, directly or indirectly, without first notifying the Federal Trade Commission and obtaining its consent, any department store or other GMAF store, or any interest in capital stock or other share capital, or any assets constituting a substantial part of all of the assets, of any concern engaged in the department store or other GMAF store business, in the United States.

II

It is further ordered, That section I of this order shall terminate if the Federal Trade Commission, through trade regulation rules or other like non-adjudicative industry wide proceedings, issues rules or guidelines covering the subject matter of this order.

III

It is further ordered, That, in the event the Federal Trade Commission, in any adjudicative or consent order proceeding involving a market extension acquisition of one or more department or other GMAF stores by a company which owns or operates one or more department stores, issues any order which imposes limitations on future such market extension acquisitions less restrictive than the comparable provisions of this order, then the Federal Trade Commission shall, on application of respondent, pursuant to Rule 3.28 of the Commission's rules of practice, reopen this proceeding any, are necessary and appropriate to bring the restrictions imposed on respondent herein into conformity with those imposed by such order.

Definitions. The term "department store or other GMAF store," as used in this order, shall mean retail stores in the following categories as specified in the kind-of-business classifications (SIC—Standard Industrial Classification) published in Appendix A of the Retail Trade-Area Statistics Reports issued under the title, "U.S. Bureau of the Census, Census of Business, 1963, Retail Trade," as series BC63–RA:

1. "Department stores" are retail stores normally employing 25 or more people and engaged in selling some items in each of the following lines of merchandise:

(i) Furniture, home furnishings, appliances, radio and TV sets;

(ii) A general line of apparel; and

(iii) Household linens and dry goods.

An establishment with annual total sales of less than $5 million, in which sales of any one of these groupings is greater than 80 percent of total sales, is not classified as a department store.

An establishment with annual total sales of $5 million or more is classified as a department store even if sales of

one of the groups described above is more than 80 percent of total sales, provided that the combined sales of the other two groups is $500,000 or more (SIC 531).

2. "GMAF stores" are retail stores in the following categories:

(i) Department stores, as defined above;

(ii) Other retail stores primarily engaged in the sale of apparel, which includes clothing, footwear, and related articles and accessories for personal wear and adornment, for men, women and children (SIC Major Group 56);

(iii) Limited price variety stores—Retail stores primarily selling a variety of merchandise at low and popular price ranges, such as stationery, gift items, accessories, toilet articles, light hardware, toys, housewares, confectionery; these establishments frequently are known as "5 and 10 cent" stores and "5 cents to a dollar" stores, although they usually sell merchandise outside these price ranges (SIC 533);

(iv) Miscellaneous general merchandise stores—Retail stores primarily selling household linens and dry goods, and/or a combination of apparel, hardware, homewares or home furnishings; stores which meet the criteria for department stores except as to number of employees are included here (Part of SIC 539);

(v) Dry goods stores—Retail stores primarily selling dry goods, notions, and piece goods (Part of SIC 539);

(vi) Sewing, needlework stores—Retail stores primarily selling sewing and knitting supplies and yarn or any combination of these commodities (Part of SIC 539); and

(vii) Furniture, home furnishings, and equipment stores—Retail stores primarily selling merchandise used in furnishing the home, such as furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances, including radio and TV sets (SIC Major Group 57).

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: August 5, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12889; Filed, Dec. 1, 1965; 8:48 a.m.]

[Docket No. C-984]

PART 13—PROHIBITED TRADE PRACTICES

Good Brothers, et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* 13.1590–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Good Brothers et al., New York, N.Y., Docket C-984, Sept. 1, 1965]

In the Matter of Good Brothers, a Partnership, and Harry Good and Samuel Good, Individually and as Co-Partners Trading as Good Brothers

Consent order requiring New York City manufacturers of fur products, to cease violating the Fur Products Labeling Act by misbranding and falsely invoicing their fur products; furnishing false guaranties that said products were not misbranded, falsely invoiced or advertised; and failing to comply with other requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Good Brothers, a partnership, and Harry Good and Samuel Good, individually and as co-partners trading as Good Brothers or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing directly or by implication on labels that the fur contained in any fur product is natural when the fur contained therein is bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

5. Failing to set forth on labels the item numbers or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on invoices that the fur contained in fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Setting forth on invoices information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondents Good Brothers, a partnership, and Harry Good and Samuel Good, individually and as co-partners trading as Good Brothers or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 1, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12890; Filed, Dec. 1, 1965; 8:48 a.m.]

[Docket No. C-982]

PART 13—PROHIBITED TRADE PRACTICES

Charles Norris, et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identi-

fication Act; § 13.70 *Fictitious or misleading guarantees;* § 13.73 *Formal regulatory and statutory requirements:* 13.73–90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Compositions:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Charles Norris, et al., Dallas, Tex., Docket C–982, Aug. 6, 1965]

In the Matter of Charles Norris and Billie Norris, Individually and as Officers of Marsann Carpets, Inc.

Consent order requiring the proprietors of a Dallas, Tex., retail carpet concern, to cease violating the Textile Fiber Products Identification Act by misbranding and falsely advertising textile fiber products, namely floor coverings, and by deceptively guaranteeing said products as set forth in the order below.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Charles Norris and Billie Norris, individually and as officers of Marsann Carpets, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to set forth that the required disclosure as to the fiber content of floor coverings relates only to the face, pile, or outer surface of such products and not to exempted backing, filling or padding, when such is the case.

2. Failing to affix labels to such textile fiber products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Falsely and deceptively advertising textile fiber products by: Making any representations, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

C. Failing to set forth in disclosing the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

It is further ordered, That respondents Charles Norris and Billie Norris, individually and as officers of Marsann Carpets, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of floor coverings or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from: Representing that any of respondents' products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 6, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65–12891; Filed, Dec. 1, 1965; 8:48 a.m.]

[Docket No. C–980]

PART 13—PROHIBITED TRADE PRACTICES

Henry T. Onodera et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Henry T. Onodera et al., Los Angeles, Calif., Docket C–980, Aug. 4, 1965]

In the Matter of Henry T. Onodera Individually and Trading as Pacific Import Sales, and Onodera Silks

Consent order requiring a Los Angeles, Calif., importer and distributor of fabrics, to cease violating the Flammable Fabrics Act by importing and selling fabrics which were so highly flammable as to be dangerous when worn by individuals.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Henry T. Onodera, individually and trading as Pacific Import Sales and Onodera Silks or under any other trade name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

Any fabric which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: August 4, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65–12892; Filed, Dec. 1, 1965; 8:49 a.m.]

[Docket No. C–983]

PART 13—PROHIBITED TRADE PRACTICES

Sinclare, Ltd., and H. Peter Knuepfel

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1400 *Dealer as manufacturer.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Sinclare, Ltd., et al., San Francisco, Calif., Docket C–983, Aug. 10, 1965]

Consent order requiring a San Francisco, Calif., importer and distributor of textile fiber products, to cease violating the Textile Fiber Products Identification Act by falsely labeling, invoicing and advertising textile fiber products, such as labeling textile fiber products as 100

percent Polyester when such products contained substantially different fibers; and by misrepresenting the nature of their business by using the legend "manufacturers" on invoices, when in fact, respondents do not own or operate any manufacturing plants.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sinclare, Ltd., a corporation, and its officers and H. Peter Knuepfel, individually and as an employee of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing, delivering for introduction, selling, advertising, or offering for sale, in commerce, or transporting or causing to be transported in commerce, or importing into the United States any textile fiber product; or selling, offering for sale, advertising, delivering, transporting or causing to be transported, any textile fiber product, which has been advertised or offered for sale in commerce; or selling, offering for sale, advertising, delivering, transporting, or causing to be transported, after shipment in commerce, any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act:

1. Which is falsely or deceptively stamped, tagged, labeled, invoiced, advertised or otherwise identified as to the name or amount of constituent fibers contained therein.

2. Unless each such product has securely affixed thereto, or placed thereon, a stamp, tag, label, or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Sinclare, Ltd., a corporation, and its officers, and H. Peter Knuepfel, individually and as an employee of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting in any manner that the respondents are manufacturers or own, operate or control the plant in which their products are made.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 10, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12893; Filed, Dec. 1, 1965; 8:49 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

SUBCHAPTER A—LABOR-MANAGEMENT REPORTS

PART 453—GENERAL STATEMENT CONCERNING BONDING REQUIREMENTS OF LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

Miscellaneous Amendments

Section 502(a) of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 536, 29 U.S.C. 502) requiring a bond covering the "faithful discharge of duties" of certain officers and employees of labor organizations and trusts in which a labor organization is interested has been amended (79 Stat. 888), effective September 29, 1965, to require in lieu thereof an "honesty" bond, and to authorize the Secretary of Labor to exempt labor organizations from placing a bond with a surety company holding a grant of authority from the Secretary of the Treasury under the Act of July 30, 1947 (6 U.S.C. 6–13), when, in the opinion of the Secretary, a labor organization has made other bonding arrangements which would provide the protection required by section 502(a) at comparable cost or less.

Part 453 is herein amended accordingly to change references to "faithful discharge of duties" to "acts of fraud or dishonesty" as appropriate where such appear in §§ 453.2, 453.8, 453.9, 453.10, and 453.14. Section 453.12 interpreting and explaining the term "faithful discharge of duties" is amended to interpret and explain the term "fraud or dishonesty," and a new § 453.26 is added to explain the powers of the Secretary to provide an exemption for labor organizations where other bonds may provide adequate protection at comparable cost or less. Therefore, Part 453 of 29 CFR is amended as follows:

1. Paragraph (a) of § 453.2 is hereby amended to read as follows:

§ 453.2 Provisions of the statute.

(a) Section 502(a) requires that—

Every officer, agent, shop steward, or other representative or employee of any labor organization (other than a labor organization whose property and annual financial receipts do not exceed $5,000 in value), or of a trust in which a labor organization is interested, who handles funds or other property thereof shall be bonded to provide protection against loss by reason of acts of fraud or dishonesty on his part directly or through connivance with others.

* * * * *

2. Paragraphs (b), (c), and (d) of § 453.8 are hereby amended to read as follows:

§ 453.8 Personnel who "handle" funds or other property.

* * * * *

(b) *Persons included generally.* The basic objective of section 502(a) is to provide reasonable protection of funds or other property rather than to insure against every conceivable possibility of loss. Accordingly, a person shall be deemed to be "handling" funds or other property, so as to require bonding under that section, whenever his duties or activities with respect to given funds or other property are such that there is a significant risk of loss by reason of fraud or dishonesty on the part of such person, acting either alone or in collusion with others.

(c) *Physical contact as criterion of "handling."* Physical dealing with funds or other property is, under the principles above stated, not necessarily a controlling criterion in every case for determining the persons who "handle" within the meaning of section 502(a). Physical contact with cash, checks or similar property generally constitutes "handling." On the other hand, bonding may not be required for office personnel who from time to time perform counting, packaging, tabulating or similar duties which involve physical contact with checks, securities, or other funds or property but which are performed under conditions that cannot reasonably be said to give rise to significant risks with respect to the receipt, safekeeping or disbursement of funds or property. This may be the case where significant risks of fraud or dishonesty in the performance of duties of an essentially clerical character are precluded by the closeness of the supervision provided or by the nature of the funds or other property handled.

(d) *"Handling" funds or other property without physical contact.* Personnel who do not physically handle funds or property may nevertheless "handle" within the meaning of section 502(a) where they have or perform significant duties with respect to the receipt, safekeeping or disbursement of funds or other property. For example, persons who have access to a safe deposit box or similar depository for the purpose of adding to, withdrawing, checking or otherwise dealing with its contents may be said to "handle" these contents within the meaning of section 502(a) even though they do not at any time during the year actually secure such access for such purposes. Similarly, those charged with general responsibility for the safekeeping of funds or other property such as the treasurer of a labor organization, should be considered as handling funds or other property. It should also be noted that the extent of actual authority to deal with funds or property may be immaterial where custody or other functions have been granted which create a substantial risk of fraud or dishonesty. Thus, if a bank account were maintained in the name of a particular officer or employee whose signature the bank were authorized to honor, it could not be contended that he did not "handle" funds merely because he had been forbidden by the organization or by his superiors to make deposits or withdrawals.

* * * * *

3. Paragraphs (a) (2) and (b) of § 453.9 are hereby amended to read as follows:

§ 453.9 "Handling" of funds or other property by personnel functioning as a governing body.

(a) * * *

(2) It is difficult to formulate any general rule for such cases. The mere fact that a board of trustees, executive board or similar governing body has general supervision of the affairs of a trust or labor organization, including investment policy and the establishment of fiscal controls, would not necessarily mean that the members of this body "handle" the funds or other property of the organization. On the other hand, the facts may indicate that the board or other body exercises such close, day-to-day supervision of those directly charged with the handling of funds or other property that it might be unreasonable to conclude that the members of such board were not, as a group, also participating in the handling of such funds and property.[8] Also, whether or not the members of a particular board of trustees or executive board handle funds or other property in their capacity as such, certain of these members may hold other offices or have other functions involving duties directly related to the receipt, safekeeping or disbursement of the funds or other property of the organization so that it would be necessary that they be bonded irrespective of their board membership.

(b) *Nature of responsibilities as affecting "handling."* With respect to particular responsibilities of boards of trustees, executive boards and similar bodies in disbursing funds or other property, much would depend upon the system of fiscal controls provided in a particular trust or labor organization. The allocation of funds or authorization of disbursements for a particular purpose is not necessarily handling of funds within the meaning of the section. If the allocation or authorization merely permits expenditures by a disbursing officer who has responsibility for determining the validity or propriety of particular expenditures, then the action of the disbursing officer and not that of the board would constitute handling. But if pursuant to a direction of the board, the disbursing officer performed only ministerial acts without responsibility to determine whether the expenditures were valid or appropriate, then the board's action would constitute handling. In such a case, the absence of fraud or dishonesty in the acts of the disbursing officer alone would not necessarily prevent fraudulent or dishonest disbursements. The person or persons who are charged with or exercise responsibility for determining whether specific disbursements are bona fide, regular, and in accordance with the applicable constitution, trust instrument, resolution or other laws or documents governing the disbursement of funds or other property should be considered to handle such funds and property and be bonded accordingly.

[8] As to group coverage, see § 453.16.

4. Section 453.10 is hereby amended to read as follows:

§ 453.10 The statutory provision.

The statute requires that every covered person "shall be bonded to provide protection against loss by reason of acts of fraud or dishonesty on his part directly or through connivance with others."

5. Section 453.12 is hereby amended to read as follows:

§ 453.12 Meaning of fraud or dishonesty.

The term "fraud or dishonesty" shall be deemed to encompass all those risks of loss that might arise through dishonest or fraudulent acts in handling of funds as delineated in §§ 453.8 and 453.9. As such, the bond must provide recovery for loss occasioned by such acts even though no personal gain accrues to the person committing the act and the act is not subject to punishment as a crime or misdemeanor, provided that within the law of the state in which the act is committed, a court would afford recovery under a bond providing protection against fraud or dishonesty. As usually applied under state laws, the term "fraud or dishonesty" encompasses such matters as larceny, theft, embezzlement, forgery, misappropriation, wrongful abstraction, wrongful conversion, willful misapplication or any other fraudulent or dishonest acts resulting in financial loss.

6. Section 453.14 is hereby amended to read as follows:

§ 453.14 The meaning of "funds."

While the protection of bonds required under the Act must extend to any actual loss from the acts of fraud or dishonesty in the handling of "funds or other property" (§ 453.7), the amount of the bond depends upon the "funds" handled by the personnel bonded and their predecessors, if any. "Funds" as here used is not defined in the Act. As in the case of "funds or other property" discussed earlier in § 453.7, the term would not include property of a relatively permanent nature such as land, buildings, furniture, fixtures, or property similarly held for use in the operations of the labor organization or trust rather than as quick assets. In its normal meaning, however, "funds" would include, in addition to cash, items such as bills and notes, government obligations and marketable securities, and in a particular case might well include all the "funds or other property" handled during the year in the positions occupied by the particular personnel for whom the bonding is required. In any event, it is clear that bonds fixed in the amount of 10 percent or more of the total "funds or other property" handled by the occupants of such positions during the preceding fiscal year would be in amounts sufficient to meet the statutory requirement. Of course, in situations where a significant saving in bonding costs might result from computing separately the amounts of "funds" and of "other property" handled, criteria for distinguishing particular items to be included in the quoted terms would prove useful. While the criteria to be applied in a particular case would depend on all the relevant facts concerning the specific items handled, it may be assumed as a general principle that at least those items which may be handled in a manner similar to cash and which involve a like risk of loss should be included in computing the amount of "funds" handled.

7. Section 453.26 is hereby added to read as follows:

§ 453.26 Powers of the Secretary of Labor to exempt.

Section 502(a) of the Act provides that when in the opinion of the Secretary of Labor a labor organization has made other bonding arrangements which would provide the protection required at comparable cost or less, he may exempt such labor organization from placing a bond through a surety company holding a grant of authority from the Secretary of the Treasury under the Act of July 30, 1947 (6 U.S.C. 6–13), as acceptable surety on federal bonds.

(Sec. 502, 73 Stat. 536, 79 Stat. 888, 29 U.S.C. 502; and Secretary's Order 24–63 (28 F.R. 9172))

This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 23d day of November 1965.

JAMES J. REYNOLDS,
Labor-Management Services Administrator.

[F.R. Doc. 65–12875; Filed, Dec. 1, 1965; 8:47 a.m.]

Chapter XIV—Equal Employment Opportunity Commission

PART 1604—GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

By virtue of the authority vested in it by Section 713(b) of the Civil Rights Act of 1964, 42 U.S.C. 2000e–12(b), the Equal Employment Opportunity Commission hereby amends Chapter XIV of Title 29 of the Code of Federal Regulations to add a new Part 1604, entitled Guidelines on Discrimination Because of Sex. Because the provisions of the Administrative Procedure Act (5 U.S.C. 1003) requiring notice of proposed rule making, opportunity for public participation, and delay in effective date, are inapplicable to these interpretative rules, they shall become effective immediately and shall be applicable with respect to cases presently before or hereafter filed with the Commission.

The new Part 1604 reads as follows:

Introduction. The following guidelines are interpretations of the Commission published pursuant to Section 713(b) of the Civil Rights Act of 1964, 42 U.S.C. 2000e–12(b), and § 1601.30 of the Commission's regulations, 29 CFR 1601.30.

The Commission has proceeded with caution in interpreting the scope and application of Title VII's prohibition of discrimination in employment on account of sex. We are mindful that there is

little relevant legislative history to serve as a guide to the intent of Congress in this area. Also, there is little light in the experience with state statutes. An overly literal interpretation of the prohibition might disrupt longstanding employment practices required by state legislation or collective bargaining agreements without achieving compensating benefits in progress towards equal opportunity.

These guidelines are an effort to temper the bare language of the statute with common sense and a sympathetic understanding of the position and needs of women workers. Nevertheless, where the plain command of the statute is that there be no artificial classification of jobs by sex, the Commission feels bound to follow it, notwithstanding the fact that such segregation has, in particular cases, worked to the benefit of the woman worker.

Probably the most difficult area considered in these guidelines is the relation of Title VII to state legislation designed originally to protect women workers. The Commission cannot assume that Congress intended to strike down such legislation. Yet our study demonstrates that some of this legislation is irrelevant to present day needs of women, and much of this legislation is capable, in particular applications, of denying effective equality of opportunity to women.

Title VII, which makes suspect any sex distinction in employment, and state protective legislation, which requires special treatment for women, represent competing value judgments which cannot easily be harmonized. Clarification and improvements can however be achieved. We believe it desirable—even essential—that Congress and the state legislatures address themselves to this problem. State legislatures will find archaic provisions in their laws which should be updated. And the Congress may wish to determine how much weight should be given to outmoded laws whose practical effect today is not so much to protect as to disadvantage.

The many State commissions on the Status of Women, which have expressed concern that some protective laws may have lost their rationale, may wish to make appropriate recommendations to State legislatures. The Women's Bureau of the Department of Labor, which has been studying these laws, should soon have available a definitive analysis with special emphasis on the relevance of these laws to current technology and women's increasingly important role in society.

Sec.

AUTHORITY: The provisions of this Part 1604 are issued pursuant to Sec. 713(b), Civil Rights Act of 1964, 78 Stat. 265.

§ 1604.1 Sex as a bona fide occupational qualification.

(a) The Commission believes that the bona fide occupational qualification exception as to sex should be interpreted narrowly. Labels—"Men's jobs" and "Women's jobs"—tend to deny employment opportunities unnecessarily to one sex or the other.

(1) The Commission will find that the following situations do not warrant the application of the bona fide occupational qualification exception:

(i) The refusal to hire a woman because of her sex, based on assumptions of the comparative employment characteristics of women in general. For example, the assumption that the turnover rate among women is higher than among men.

(ii) The refusal to hire an individual based on stereotyped characterizations of the sexes. Such stereotypes include, for example, that men are less capable of assembling intricate equipment; that women are less capable of aggressive salesmanship. The principle of non-discrimination requires that individuals be considered on the basis of individual capacities and not on the basis of any characteristics generally attributed to the group.

(iii) The refusal to hire an individual because of the preferences of co-workers, the employer, clients or customers except as covered specifically in subparagraph (2) of this paragraph.

(iv) The fact that the employer may have to provide separate facilities for a person of the opposite sex will not justify discrimination under the bona fide occupational qualification exception unless the expense would be clearly unreasonable.

(2) Where it is necessary for the purpose of authenticity or genuineness, the Commission will consider sex to be a bona fide occupational qualification, e.g., an actor or actress.

(3) Most States have enacted laws or administrative regulations with respect to the employment of women. These laws fall into two general categories:

(i) Laws that require that certain benefits be provided for female employees, such as minimum wages, premium pay for overtime, rest periods or physical facilities;

(ii) Laws that prohibit the employment of women in certain hazardous occupations, in jobs requiring the lifting of heavy weights, during certain hours of the night, or for more than a specified number of hours per day or per week.

(b) The Commission believes that some state laws and regulations with respect to the employment of women, although originally for valid protective reasons, have ceased to be relevant to our technology or to the expanding role of the woman worker in our economy. We shall continue to study the problems posed by these laws and regulations in particular factual contexts, and to cooperate with other appropriate agencies in achieving a regulatory system more responsive to the demands of equal opportunity in employment.

(c) The Commission does not believe that Congress intended to disturb such laws and regulations which are intended to, and have the effect of, protecting women against exploitation and hazard. Accordingly, the Commission will consider limitations or prohibitions imposed by such state laws or regulations as a basis for application of the bona fide occupational qualification exception. However, in cases where the clear effect of a law in current circumstances is not to protect women but to subject them to discrimination, the law will not be considered a justification for discrimination. So, for example, restrictions on lifting weights will not be deemed in conflict with Title VII except where the limit is set at an unreasonably low level which could not endanger women.

(1) An employer, accordingly, will not be considered to be engaged in an unlawful employment practice when he refuses to employ a woman in a job in which women are legally prohibited from being employed or which involve duties which women may not legally be permitted to perform because of hazards reasonably to be apprehended from such employment.

(2) On the other hand, an employer will be deemed to have engaged in an unlawful employment practice if he refuses to employ or promote a woman in order to avoid providing a benefit for her required by law—such as minimum wage or premium overtime pay.

(3) Where state laws or regulations provide for administrative exceptions, the Commission will expect an employer asserting a bona fide occupational qualification pursuant to this paragraph to have attempted in good faith, to obtain an exception from the agency administering the state law or regulation.

§ 1604.2 Separate lines of progression and seniority systems.

(a) It is an unlawful employment practice to classify a job as "male" or "female" or to maintain separate lines of progression or separate seniority lists based on sex where this would adversely affect any employee unless sex is a bona fide occupational qualification for that job. Accordingly, employment practices are unlawful which arbitrarily classify jobs so that:

(1) A female is prohibited from applying for a job labeled "male," or for a job in a "male" line of progression; and vice versa.

(2) A male scheduled for layoff is prohibited from displacing a less senior female on a "female" seniority list; and vice versa.

(b) A seniority system or line of progression which distinguishes between "light" and "heavy" jobs constitutes an unlawful employment practice if it operates as a disguised form of classification by sex, or creates unreasonable obstacles to the advancement by members of either sex into jobs which members of that sex would reasonably be expected to perform.

§ 1604.3 Discrimination against married women.

(a) The Commission has determined that an employer's rule which forbids or restricts the employment of married women and which is not applicable to married men is a discrimination based on sex prohibited by Title VII of the Civil Rights Act. It does not seem to us relevant that the rule is not directed against all females, but only against married females, for so long as sex is a factor in the application of the rule, such application involves a discrimination based on sex.

(b) It may be that under certain circumstances, such a rule could be justified within the meaning of Section 703 (e) (1) of Title VII. We express no opinion on this question at this time except to point out that sex as a bona fide occupational qualification must be justified in terms of the peculiar requirements of the particular job and not on the basis of a general principle such as the desirability of spreading work.

§ 1604.4 Job opportunities advertising.

(a) Help wanted advertising may not indicate a preference based on sex unless a bona fide occupational qualification makes it lawful to specify male or female.

(b) When a newspaper or other publication classifies such advertising in separate "Male," "Female," and "Male and Female" columns, advertising will most clearly avoid an indication of preference by using the "Male and Female" column. However, advertisers covered by the Civil Rights Act of 1964 may place advertisements for jobs open to both sexes in columns classified "Jobs of Interest—Male" or "Jobs of Interest—Female" provided (1) the advertisement specifically states that the job is open to males and females and (2) substantially the following notice appears in a prominent place on every other page in the section in which the classified advertising appears:

NOTICE: Many listings in the "male" or "female" columns are not intended to exclude or discourage applications from persons of the other sex. Such listings may be used because some occupations are considered more attractive to persons of one sex than the other. Discrimination in employment because of sex is prohibited by the 1964 Federal Civil Rights Act with certain exception (and by the law of _____ State). Employment agencies and employers covered by the Act must indicate in their advertisement whether or not the listed positions are available to both sexes.

Abbreviations, such as M & F, may be used in the advertisement to indicate that males and females may apply, if such abbreviations are readily comprehensible or are explained in the notice.

§ 1604.5 Employment agencies.

(a) Section 703(b) of the Civil Rights Act specifically states that it shall be unlawful for an employment agency to discriminate against any individual because of sex. The Commission has determined that private employment agencies which deal exclusively with one sex are engaged in an unlawful employment practice, except to the extent that such agencies limit their services to furnishing employees for particular jobs for which sex is a bona fide occupational qualification.

(b) An employment agency that receives a job order containing an unlawful sex specification will share responsibility with the employer placing the job order if the agency fills the order knowing that the sex specification is not based upon a bona fide occupational qualification. However, an employment agency will not be deemed to be in violation of the law, regardless of the determination as to the employer, if the agency does not have reason to believe that the employer's claim of bona fide occupations qualification is without substance and the agency makes and maintains a written record available to the Commission of each such job order. Such record shall include the name of the employer, the description of the job and the basis for the employer's claim of bona fide occupational qualification.

(c) It is the responsibility of employment agencies to keep informed of opinions and decisions of the Commission on sex discrimination.

§ 1604.6 Pre-employment inquiries as to sex.

A pre-employment inquiry may ask "Male _____, Female _____"; or "Mr. Mrs., Miss," provided that the inquiry is made in good faith for a non-discriminatory purpose. Any pre-employment inquiry in connection with prospective employment which expresses directly or indirectly any limitation, specification or discrimination as to sex shall be unlawful unless based upon a bona fide occupational qualification.

§ 1604.7 Relationship of Title VII to the Equal Pay Act.

(a) Title VII requires that its provisions be harmonized with the Equal Pay Act (section 6(d) of the Fair Labor Standards Act of 1938, 29 U.S.C. 206 (d)) in order to avoid conflicting interpretations or requirements with respect to situations to which both statutes are applicable. Accordingly, the Commission interprets section 703(h) to mean that the standards of "equal pay for equal work" set forth in the Equal Pay Act for determining what is unlawful discrimination in compensation are applicable to Title VII. However, it is the judgment of the Commission that the employee coverage of the prohibition against discrimination in compensation because of sex is co-extensive with that of the other prohibitions in section 703, and is not limited by section 703(h) to those employees covered by the Fair Labor Standards Act.

(b) Accordingly, the Commission will make applicable to equal pay complaints filed under Title VII the relevant interpretations of the Administrator, Wage and Hour Division, Department of Labor. These interpretations are found in 29 Code of Federal Regulations, Part 800.-119–800.163. Relevant opinions of the Administrator interpreting "the equal pay for equal work standard" will also be adopted by the Commission.

(c) The Commission will consult with the Administrator before issuing an opinion on any matter covered by both Title VII and the Equal Pay Act.

Signed at Washington, D.C., this 24th day of November 1965.

FRANKLIN D. ROOSEVELT, Jr.,
Chairman.

[F.R. Doc. 65–12874; Filed, Dec. 1, 1965; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

PART 17—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

PART 25—FOURTH CLASS

PART 33—METERED STAMPS

PART 35—PHILATELY

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In Part 15, make the following changes:

§ 15.2 [Amended]

A. In § 15.2, the title is changed for clarification. As so changed, the title of § 15.2 reads as follows: "§ 15.2 *Conditions for mailing.*"

NOTE: The corresponding Postal Manual section is 125.2.

B. In § 15.2, paragraph (b) (4) is deleted.

NOTE: The corresponding Postal Manual section is 125.224.

C. In § 15.2, *Conditions for mailing,* present paragraph (c) (2) is redesignated new paragraph (d) entitled *Matches.* Present paragraph (c) (3) is redesignated paragraph (c) (2). In addition, present paragraph (d) is redesignated paragraph (e). Moreover, present paragraph (e) is redesignated paragraph (g) and a new paragraph (f) is inserted which clarifies regulations pertaining to mailing conditions for poisons. As so inserted, new paragraph (f) reads as follows:

(f) *Poisons*—(1) *Poisons for scientific use.* Poisons for scientific use which are not outwardly or of their own force dangerous or injurious to life, health, or property may be shipped between manufacturers, dealers, bona fide research or experimental scientific laboratories, and employees of the Federal, State, or local governments who have official use of such poisons. Any such employee must be designated by the head of his agency to receive or send such poisons. The preparation and packaging of such poisonous articles shall be under the same conditions as apply to other articles covered by this Part 15.

(2) *Poisonous drugs and medicines.* Poisonous drugs and medicines may be shipped only from the manufacturer thereof or dealer therein to licensed

physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians.

(3) *Prescription medicines containing narcotics.* The Veterans' Administration, including its hospitals and other facilities, are authorized to send prescription medicines containing narcotics by registered mail to certain veterans. (See § 51.6(a) of this chapter). Other shipments containing narcotics addressed to individuals are limited to provisions of subparagraph (2) of this paragraph.

(4) *Excess or undesired narcotic drugs.* Shipments of excess or unwanted narcotic drugs may be sent by registered mail to district supervisors of the U.S. Bureau of Narcotics: Shipments of narcotics may also be sent by registered mail to the Drugs Disposal Committee, U.S. Bureau of Narcotics, Washington, D.C., 20226.

NOTE: The corresponding Postal Manual sections are 125.23 through 125.27.

II. In § 17.1 *Mailing preparation*, paragraph (d) *General prohibitions* is amended as follows:

1. The introductory text of paragraph (d) is redesignated as subparagraph (1), and present subparagraphs (1), (2), and (3) are redesignated as subdivisions (i), (ii), and (iii), respectively.

2. A new paragraph (d)(2) is added to show that watches and jewelry valued in excess of $10 may be accepted for mailing to oversea military post offices only when they are sent by registered mail. As so added, new paragraph (d)(2) reads as follows:

§ 17.1 Mailing preparation.

* * * * *

(d) *General prohibitions.* * * *

(2) Jewelry and watches having a value in excess of $10 may be accepted for mailing to oversea military post offices only when sent by registered mail, provided there is no specific prohibition against sending such items to the military post office of destination. See § 17.2.

NOTE: The corresponding Postal Manual section is 127.142.

III. In § 25.1 *Rates*, a new subdivision (v) is added under paragraph (b)(1) to show that the maximum weight of 80 pounds is allowed in a sack. As so added, subdivision (v) reads as follows:

§ 25.1 Rates.

* * * * *

(b) *Catalogs and similar printed advertising matter in bound form having 24 or more pages at least 22 of which are printed, weighing 16 ounces or more but not exceeding 10 pounds*—(1) *Rates for bulk mailings of separately addressed identical pieces in quantities of not less than 300 mailed at one time.* * * *

(v) *Maximum weight in a sack.* The total weight of pieces placed in one sack must not exceed 80 pounds.

* * * * *

NOTE: The corresponding Postal Manual section is 135.121e.

IV. In § 33.3 *Use of meter*, subdivision (vi) under paragraph (b)(2) is revised to prescribe a maximum weight limit of 80 pounds for private containers of articles shipped to other post offices for mailing. As so revised, subdivision (vi) reads as follows:

§ 33.3 Use of meter.

* * * * *

(b) *Payment of postage.* * * *

(2) Local postmasters may set a meter for use in paying postage on mail to be presented at another post office under the following conditions:

* * * * *

(vi) Matter sent to other post offices for mailing must be shipped in private containers. The total weight of pieces placed in containers such as cartons, crates, etc. which are to be handled by postal employees must not exceed 80 pounds. Post offices will not furnish mail sacks for this purpose.

* * * * *

NOTE: The corresponding Postal Manual section is 143.322f.

V. In Part 35 make the following changes:

A. In § 35.5 *Inaugural covers* make the following changes:

1. The material in present paragraph (a)(1) is redesignated as subdivision (i) under paragraph (a)(1) and revised.

2. A new subdivision (ii) is added to present paragraph (a)(1) to list the three events for which cachets are authorized.

3. In paragraph (a)(4) a new subdivision (iii) is added to provide that upon submission of inaugural covers, directional service desired, if applicable, is to be indicated.

4. In paragraph (a)(5) subdivisions (i) and (v) are revised for clarity.

The affected portions of § 35.5 read as follows:

§ 35.5 Inaugural covers.

(a) *First flights*—(1) *Cachets authorized.* (i) The Post Office Department recognizes events such as new air service by applying cachets on inaugural covers. Official cachets of distinctive commemorative design are authorized, by publication of a notice in the Postal Bulletin, if notification is received from the carrier at least 20 days before the scheduled date of new service.

NOTE: The corresponding Postal Manual section is 145.511a.

(ii) Cachets are authorized for:

(*a*) All stop points on a new airmail route.

(*b*) New stop points on an existing route or on an additional segment.

(*c*) Events of national aviation interest.

NOTE: The corresponding Postal Manual section is 145.511b.

* * * * *

(4) *Submission of covers.* * * *

(iii) Indicate directional service desired, if applicable. (See subdivision (i) of paragraph (a)(5) of this section).

NOTE: The corresponding Postal Manual section is 145.514c.

(5) *Compliance with collectors requests*—(i) *Directional covers.* Requests of collectors for dispatch in a particular direction will be complied with to the greatest extent practicable. No directional service for events of national aviation interest.

* * * * *

(v) *Color of ink.* Requests for the use of a color of ink other than that authorized by the Post Office Department cannot be complied with. The authorized color of ink will be used in applying the cachet to all covers.

* * * * *

NOTE: The corresponding Postal Manual sections are 145.515a and 145.515e.

B. Section 35.7 is revised for clarity. As so revised, § 35.7 reads as follows:

§ 35.7 Stamp publication.

The Department issues a publication (POD–9 rev.) entitled "Postage Stamps for the United States 1847–1963", containing reproductions and information of interest to collectors on all U.S. stamps issued from 1847 through the John James Audubon commemorative stamps, issued December 7, 1963.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65–12912; Filed, Dec. 1, 1965; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3882]

[Misc–1375265]

COLORADO

Modification of Oil Shale Withdrawal

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 5327 of April 15, 1930, withdrawing oil shale deposits and lands containing such deposits, is hereby modified to the extent necessary to permit disposal of the following described lands (but not the mineral estate thereof) by means of an exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended:

SIXTH PRINCIPAL MERIDIAN

T. 5 S., R. 95 W.,
Sec. 7, lot 10;
Sec. 18, lot 4.

The areas described aggregate 42.53 acres.

2. Acquisition of the offered lands will benefit a Federal land program. This order therefore is not subject to provi-

sions of R.S. 2276 as amended (43 U.S.C. 832).

3. The provisions of Executive Order No. 5327, as modified prior to the date of this order, shall continue to apply to the mineral estate in the lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 26, 1965.

[F.R. Doc. 65-12866; Filed, Dec. 1, 1965; 8:46 a.m.]

[Public Land Order 3883]

[Colorado 0125430]

COLORADO

Withdrawal for Delta National Fish Hatchery

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for use as a fish hatchery:

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 93 W.,
Sec. 10, N½N½NE¼NE¼.

Containing approximately 10 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 26, 1965.

[F.R. Doc. 65-12867; Filed, Dec. 1, 1965; 8:46 a.m.]

[Public Land Order 3884]

[Wyoming 0317603]

WYOMING

Withdrawal for National Forest Administrative Sites and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Ch. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

TETON NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

Fox Park Administrative Site

T. 48 N., R. 112 W.,
Sec. 22, NE¼NE¼NW¼.

Crystal Creek Campground

T. 42 N., R. 113 W.,
Sec. 17, N½NE¼NE¼.

Gros Ventre Slide Geologic Area

T. 42 N., R. 114 W.,
Sec. 4, W½NW¼, NW¼SW¼, W½NW¼SW¼SW¼, S½SW¼SW¼, S½SE¼SW¼;
Secs. 5 and 8;
Sec. 9, NW¼, W½SW¼;
Sec. 17, N½, N½SW¼, NW¼SE¼.

Crystal Springs Administrative Site

T. 42 N., R. 117 W.,
Sec. 24, S½SE¼NE¼ (S½ of Lot 2).

The areas described aggregate 2,175.15 acres, in Teton County.

The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 26, 1965.

[F.R. Doc. 65-12868; Filed, Dec. 1, 1965; 8:46 a.m.]

[Public Land Order 3886]

[New Mexico 0557886]

NEW MEXICO

Transferring Jurisdiction Over Oil and Gas Deposits, Vance Air Force Base

Whereas, the hereinafter described acquired lands comprising a portion of Vance Air Force Base, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas, it is in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil, gas, and other mineral deposits in such lands be transferred from the Department of the Air Force to the Department of the Interior; and

Whereas, such transfer has the concurrence of the Secretary of the Air Force;

Now, therefore, by virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The jurisdiction over all mineral deposits (including oil and gas and constituents thereof, and all gaseous substances, including helium), owned by the United States in the following described lands comprising a portion of Vance Air Force Base, Oklahoma, is hereby transferred from the Department of the Air Force to the Department of the Interior:

VANCE ILS OUTER MARKER ANNEX

A tract of land located in the N½NW¼NW¼ of sec. 35, T. 21 N., R. 7 W., Indian Meridian, Garfield County, Okla., more particularly described as:

Beginning at a point 748.25 feet E., and 33 feet S., of the NW corner of sec. 35, thence E. 40 feet,
S. 140.00 feet,
E. 151.75 feet,
S. 100.00 feet,
W. 380.00 feet,
N. 100.00 feet,
E. 188.25 feet,
N. 140.00 feet to the point of beginning.

Containing approximately 1 acre, no portion of the surface of which shall be used for oil and gas operations while the surface is under the jurisdiction of the Department of Defense.

TRACT NO. 9

South Half (S½) of the Southwest Quarter (SW¼); and South Half (S½) of North Half (N½) of Southwest Quarter (SW¼); and the South 220 feet of the North Half (N½) of North Half (N½) of Southwest Quarter (SW¼) of Section Twenty-Six (26), Township Twenty-two (22) North, Range Seven (7) West of the Indian Meridian.

The area described is designated as Tract No. 9, Vance Air Force Base Project, and contains 133.33 acres, more or less.

Tract No. 9 was acquired by deed dated May 14, 1955, from Opal Pauling Spleth, Ollin M. Spleth, Pearl Florence Franklin, and Lloyd G. Franklin, which deed is recorded in Volume 255 on page 121 of the deed records of Garfield County, State of Oklahoma.

TRACT NO. 11

A tract of land in the SE¼ more particularly described as: Beginning at the south quarter corner of Section 26, Township 22 North, Range 7 West; thence north 2,200.0' along the North-South quarter line of said Section 26 to a point; thence east 1,440.0' to a point, said point being 440.0' south of the East-West quarter line of said Section 26; thence south 1,070.0' to a point; thence east 1,200.0' to a point on the east line of said Section 26; thence south 1,130.0' along said east line to the Southeast corner of said Section 26; thence west 2,640.0' along the south line of said Section 26 to the point of beginning.

The area described is designated as Tract No. 11, Vance Air Force Base Project, and contains 103.85 acres, more or less.

Tract No. 11 was acquired by deed dated March 16, 1955, from Frank Baker, Jr., et ux, Vera Baker, which deed is recorded in Book 254 on page 142 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 13

Lot Three (3); Lot Four (4); North Half (N½) of South Half (S½) of the Northwest Quarter (NW¼); and the North 485 feet of the South Half (S½) of South Half (S½) of the Northwest Quarter (NW¼) of Section Two (2), Township Twenty-one (21) North, Range 7 West of the Indian Meridian.

The area described is designated as Tract No. 13, Vance Air Force Base Project, and contains 147.37 acres, more or less.

Tract No. 13 was acquired by deed dated March 16, 1955, from Ralph V. Atherton et ux., Edna M. Atherton, which deed is recorded in Book 254 on page 144 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 14

A tract of land in the Northeast Quarter (NE¼) of Section Two (2), Township Twenty-one (21) North, Range Seven (7) West, more particularly described as:

Beginning at the north quarter corner of said Section 2; thence east 2,640 feet along the north line of said Section 2 to the northeast corner thereof, same being the northeast corner of Lot 1 of said Section 2; thence south 1,100 feet along the east line of said Section 2, same being east line of Lot 1 of said Section to a point; thence west and parallel to the south line of said Lot 1, a

distance of 1,200 feet to a point; thence south 1,319.46 feet, parallel to and at a distance of 120 feet from the west line of said Lot 1 and the west line of the SE¼NE¼ of said Section 2, to a point; thence west 1,440 feet, parallel to and at a distance of 175 feet from the south line of said NE¼ to a point on the north-south quarter line of said Section 2; thence north 2,425.40 feet along said north-south quarter line to the point of beginning.

The area described is designated as Tract No. 14, Vance Air Force Base Project, and contains 110.36 acres, more or less.

Tract No. 14 was acquired by deed dated April 26, 1955, from Joseph G. Wilson et ux., Grace M. Wilson, which deed is recorded in Book 254 on page 526 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 17

A tract of land in the S½SW¼SW¼ of Section 2, Township 21 North, Range 7 West of the Indian Meridian, Garfield County, Oklahoma, described as: Beginning at a point 719.5 feet East and 33 feet North of the Southwest corner of said Section 2; thence North 309.5 feet to a point; thence West 7.0 feet to a point; thence North 75.0 feet to a point; thence East 75.0 feet to a point; thence South 75.0 feet to a point; thence West 28.0 feet to a point; thence South 309.5 feet to a point; thence West 40.0 feet to the point of beginning.

The area described is designated as Tract No. 17, Vance Air Force Base Project, and contains 0.41 acre, more or less.

Tract No. 17 was acquired by deed dated November 7, 1955, from Harold Montgomery et ux., Mabel I. Montgomery, which deed is recorded in Book 257 on page 445 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 46

A tract of land in the N½W¼SW¼ of Section 26, Township 22 North, Range 7 West of the Indian Meridian more particularly described as: Beginning at a point 440.0 feet south and 470.0 feet east of the west quarter corner of said Section 26; thence north and parallel to the west line of said Seciton 26 a distance of 200.0 feet to a point; thence east and parallel to the east-west quarter line of said Section 26 a distance of 540.0 feet to a point; thence south and parallel to the west line of said Section 26 a distance of 200.0 feet to a point; thence west parallel to the east-west quarter line of said Section 26 a distance of 540.0 feet to the point of beginning.

The area described is designated as Tract No. 46, Vance Air Force Base Project, and contains 2.48 acres, more or less.

Tract No. 46 was acquired by deed dated September 29, 1955, from Pearl Florence Franklin et vir., Lloyd G. Franklin, and Opal Pauline Spleth et vir., Ollin M. Spleth, which deed is recorded in Book 257 on page 55 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 51

INDIAN MERIDIAN

T. 21 N., R. 7 W.,
Sec. 11.

A tract of land in the SW¼NW¼ more particuarly described as: Beginning at a point on the west line of said SW¼NW¼, said point being 642.0 feet north of the southwest corner thereof; thence east and parallel to the south line of said SW¼NW¼ 702.5 feet to a point; thence south and parallel to the west line of said SW¼NW¼ 17.5 feet to a point; thence east and parallel to the south line of said SW¼NW¼ 75.0 feet to a point; thence north and parallel to the west line of said SW¼NW¼ 75.0 feet to a point; thence west and parallel to the south line of said SW¼NW¼ 75.0 feet to a point; thence south and parallel to the west line of said SW¼NW¼ 17.5 feet to a point; thence west and parallel to the south line of said SW¼NW¼ 702.5 feet to a point on the west line thereof; thence south along said west line 40.0 feet to the point of beginning.

The area described aggregates 0.77 acre, more or less, situate in Garfield County, Oklahoma.

Tract No. 51 was acquired in Civil Action No. 7516 styled United States of America vs. 0.77 Acre of Land, More or Less, Situate in Garfield County, Okla.; and Merle A. Collins, et al., in the U.S. District Court for the Western District of Oklahoma, filed 15 May 1957.

TRACT NO. 52

The South 175.0 feet of the South Half (S½) of Northwest Quarter (NW¼) of Section 2, Township 21 North, Range 7 West of the Indian Meridian.

The area described is designated as Tract No. 52, Vance Air Force Base Project, and contains 10.61 acres, more or less.

Tract No. 52 was acquired by deed dated March 8, 1957, from Ralph V. Atherton et ux, Edna M. Atherton, which deed is recorded in Book 264 on page 68 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 53

A tract of land in the SW¼ of Section 2, Township 21 North, Range 7 West of the Indian Meridian, more particularly described as follows: Beginning at a point on the north line of said SW¼, said point being 224.30 feet west of the northeast corner thereof; thence west along said north line 2,415.70 feet, more or less, to the northwest corner of said SW¼; thence south along the west line of said SW¼ 2,120.0 feet to a point; thence east and parallel to the south line of said SW¼ 1,552.5 feet to a point; thence northeasterly on a straight line 2,289.0 feet, more or less, to point of beginning.

The area described is designated as Tract No. 53, Vance Air Force Base Project, and contains 96.56 acres, more or less.

Tract No. 53 was acquired by deed dated February 25, 1957, from Harold Montgomery, et ux, Mabel I. Montgomery, which deed is recorded in Book 264 on page 69 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 60

A tract of land in the NE¼ more particularly described as: Beginning at the center of said Section 36; thence north along the north-south quarter line of said Section, said line also being the east line of Vance Air Force Base, to a point on the south right of way line of the Chicago, Rock Island & Pacific Railroad access spur to said Base, said point being 665.62 feet, more or less, south of the north quarter corner of said Section; thence easterly along said south right of way line to a point on the westerly right of way line of the Chicago, Rock Island & Pacific Railroad main line; thence southerly along said westerly right of way line to a point on the east-west quarter line of said Section 36; thence west along said east-west quarter line to the Point of Beginning in Section 36, Township 22 North, Range 7 West of the Indian Meridian.

The area described is designated as Tract No. 60, Vance Air Force Base Project, and contains 61.00 acres, more or less.

Tract No. 60 was acquired by deed dated December 12, 1957, from William H. Kisner et ux, Elma Kisner, which deed is recorded in Book 267 on page 456 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 61

Part of the NW¼ described as: Beginning at the southeast corner of said NW¼; thence west along the south line of said NW¼, 490.00 feet; thence north and parallel with the east line of said NW¼, 1,475.00 feet; thence northeasterly on a straight line to a point on the east line of said NW¼, said point being 600.00 feet south of the northeast corner of said NW¼; thence south along east line of said NW¼, 2,040.00 feet to the point of beginning, in Section 26, Township 22 North, Range 7 West of the Indian Meridian.

The area described is designated as Tract No. 61, Vance Air Force Base Project, and contains 19.77 acres, more or less.

Tract No. 61 was acquired by deed dated September 4, 1958, from P. C. Simons et ux, Dorothy Simons, which deed is recorded in Book 271 on page 269 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 62

Part of the North 440.0 feet of the SW¼ described as: Beginning at the northeast corner of SW¼; thence West along the north line of said SW¼ 490.00 feet; thence South and parallel with the East line of said SW¼, 290.00 feet; thence southwesterly on a straight line to a point, said point being 440.00 feet South and 540.00 feet West of the northeast corner of said SW¼; thence East and parallel with the North line of said SW¼, 540.00 feet to a point on the East line of said SW¼; thence North along the East line of said SW¼, 440.00 feet to the point of beginning in Section 26, Township 22 North, Range 7 West of the Indian Meridian.

The area described is designated as Tract No. 62, Vance Air Force Base, and contains 5.04 acres, more or less.

Tract No. 62 was acquired by deed dated October 2, 1958 from Opal Pauline Spleth et vir, Ollin M. Spleth, and Pearl Florence Franklin, which deed is recorded in Book 272 on page 33 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 63

A tract of land in the SE¼ more particularly described as: Beginning at the Northwest corner of said SE¼; thence South along the West line of said SE¼ 440.00 feet; thence East and parallel with the North line of said SE¼ 1,440.00 feet; thence South and parallel with the West line of said SE¼ 1,070.00 feet; thence East and parallel with the North line of said SE¼ 470.70 feet; thence North and parallel with the West line of said SE¼ 1,510.00 feet to a point on the North line of said SE¼; thence West along the North line of said SE¼ 1,910.70 feet to the Point of Beginning in Section 26, Township 22 North, Range 7 West of the Indian Meridian.

The area described is designated as Tract No. 63, Vance Air Force Base Project, and contains 30.86 acres of land, more or less.

Tract No. 63 was acquired by deed dated October 24, 1958 from Lucille May Teemley, Executrix of the Estate of Frank Baker, which deed is recorded in Book 272 on page 220 of the deed records of the County of Garfield, State of Oklahoma.

TRACT NO. 64

Part of the NE¼ described as: Beginning at the Southwest corner of said NE¼; thence East along South line of said NE¼, 2,010.70 feet; thence North and parallel with West line of said NE¼, 400.00 feet; thence Northwesterly on a straight line to a point on the North line of said NE¼, said point being 660.00 feet East of Northwest corner of said NE¼; thence West along the North line of said NE¼, 660.00 feet to the Northwest corner of said NE¼; thence South along the West line of said NE¼, 2,640.00 feet to the Point of Beginning in Section 26, Township 22 North, Range 7 West of the Indian Meridian.

The area described is designated as Tract No. 64, Vance Air Force Base Project, and contains 87.13 acres, more or less.

Tract No. 64 was acquired by deed dated September 3, 1958, from Egie Cropper and J. F. Cropper, wife and husband, which deed is recorded in Book 271 on page 255 of the deed records of the County of Garfield, State of Oklahoma.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas and their constituents, and any gaseous substances (including helium), from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be limited only by the primary jurisdiction of the Department of the Air Force over the lands for military purposes.

4. The jurisdiction of the Department of the Interior over such mineral deposits shall continue until revocation of this order, and no action which may be taken by the Department of the Air Force to relinquish jurisdiction over the described lands for military purposes or to transfer such jurisdiction out of the Department of the Air Force shall affect in any way the jurisdiction of the Department of the Interior over the mineral deposits.

5. Prior to any advertisement for bids, the Department of the Air Force shall have the opportunity to indicate any further reservations and restrictions that are to be included in the proposed lease or leases.

6. Prior to execution of any lease or development authorized by the Department of the Interior, the approval of the Department of the Air Force is to be obtained to insure that there is no interference with the primary use for the lands for missions of the Department of the Air Force.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 26, 1965.

[F.R. Doc. 65-12869; Filed, Dec. 1, 1965; 8:46 a.m.]

[Public Land Order 3887]

[Montana 069920]

MONTANA

Revocation of Forest Service Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental order of October 26, 1908, and Executive Order No. 2910 of July 12, 1918, withdrawing public lands in sections 25 and 36, T. 13 S., R. 10 W., Montana Principal Meridian, for use of the Forest Service as the Sheep Creek Administrative Site, are hereby revoked.

2. The area withdrawn totals 640 acres. The lands described as in then unsurveyed section 25 (46 acres), were later identified as being within section 36.

3. Until 10 a.m. on May 28, 1966, the State of Montana shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that date and hour the lands shall become subject to application, petition, location and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 6, 1966, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

4. The lands have been open to applications and offers under the mineral leasing laws and, except for 46 acres withdrawn by the order of October 26, 1908, to location for metalliferous minerals. The entire section 36 will be open generally to location under the mining laws at 10 a.m. on May 28, 1966.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 26, 1965.

[F.R. Doc. 65-12870; Filed, Dec. 1, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

PART 97—AMATEUR RADIO SERVICE

Radio Operator Examination Points

Order. In the matter of amendment of § 0.445(c) and Appendix 1, Part 97, of the Commission's rules regarding radio operator examination points

The Commission having under consideration a modification of its commercial and amateur radio operator examination points; and

It appearing, that it would be in the public interest to conduct operator examinations semiannually at Las Vegas, Nev., in view of an increased demand for examinations to be given at that location; and

It further appearing, that the amendments herein ordered are procedural in nature and not substantive and therefore compliance with the public rulemaking procedures required by sections 4 (a) and (b) of the Administrative Procedure Act is not required:

It is ordered, This 29th day of November 1965, pursuant to authority of § 0.261 of the Commission's rules and to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and pursuant to section 3(a) of the Administrative Procedure Act, that § 0.445(c) and Appendix 1, Part 97 of the Commission's rules be amended as set forth below, effective December 6, 1965.

(Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303; sec. 3, 60 Stat. 238; 5 U.S.C. 1002)

Released: November 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 0.445(c) of the Commission's rules is amended by adding Las Vegas, Nev. as a semiannual examination point.

2. Appendix 1, Part 97 of the Commission's rules is amended by adding Las Vegas, Nev. as a semiannual examination point.

[F.R. Doc. 65-12928; Filed, Dec. 1, 1965; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations: recreation; for the individual wildlife refuge areas.

Boats may be launched, and vehicles and boat trailers parked, in designated areas. Fishing is permitted in designated areas. Picnicking is permitted where facilities are provided. Litter must be placed in trash receptacle provided. Sightseeing, nature study, and photography are permitted. Pets are allowed if on a leash not over 10 feet in length. All activities except fishing are limited to daylight hours. All persons shall comply with all local, State, and Federal laws, ordinances, and regulations.

The refuge areas, comprising 4,679.98 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass., 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1966.

[SEAL] RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 15, 1965.

[F.R. Doc. 65-12871; Filed, Dec. 1, 1965; 8:47 a.m.]

PART 33—SPORT FISHING

Long Lake National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, Moffit, N. Dak., is

permitted on all refuge waters. These open areas, comprising 3,625 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for winter sport fishing on the refuge extends from December 15, 1965, to March 15, 1966. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges generally which are set forth in Title 50, Part 33, and are effective through March 15, 1966.

OMAR N. SWENSON,
Refuge Manager, Long Lake National Wildlife Refuge, Moffit, N. Dak.

NOVEMBER 24, 1965.

[F.R. Doc. 65-12872; Filed, Dec. 1, 1965; 8:47 a.m.]

PART 33—SPORT FISHING

Carolina Sandhills National Wildlife Refuge, S.C.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, McBee, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 79 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from February 15, 1966, through November 30, 1966, on Lakes Sixteen and Seventeen; from March 15, 1966, through October 15, 1966, on Martins Pond and from June 1, 1966, through November 30, 1966, on Lake Bee.

(2) Fishing permitted during daylight hours only.

(3) Fishing on Sunday prohibited.

(4) Boats with electric motors permitted; gasoline powered engines prohibited. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 23, 1965.

[F.R. Doc. 65-12873; Filed, Dec. 1, 1965; 8:47 a.m.]

PART 33—SPORT FISHING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Sport fishing on the Seney National Wildlife Refuge, Mich., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 5,700 acres or 100 percent of the total water area of the refuge, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through February 28, 1966, inclusive.

(2) Species permitted to be taken: Northern pike, walleyed pike, and other minor species as permitted by State regulations.

(3) Daily creel limits: Northern pike and walleyed pike—5 singly or combined; minimum size limit for northerns is 20 inches, for walleyes, 13 inches; creel limits for other species are as prescribed by State regulations.

(4) Method of fishing:

(a) Two lines under immediate control, having a total of not more than 4 hooks on all lines, may be used for still fishing, ice fishing, casting, or trolling if under immediate supervision. All hooks, single, double or treble pointed, attached to a manufactured artificial bait counted as one hook.

(b) Minnows may be used for bait only in the Manistique River.

(c) Spearing through the ice is permitted, subject to State regulations.

(5) Other provisions:

(a) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(b) A Federal permit is not required to enter the public fishing area.

(c) The use of motorized snow vehicles is authorized along established roads, trails and dikes.

(d) The provisions of this special regulation are effective to March 1, 1966.

JOHN B. HAKALA,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

NOVEMBER 24, 1965.

[F.R. Doc. 65-12896; Filed, Dec. 1, 1965; 8:49 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 9]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

Effective as of midnight, December 7, 1965, G.m.t., part 308 is hereby amended to reflect the following changes:

Amend §§ 308.6 *Period of interim binders and renewal procedure,* 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement,* 308.206 *Standard form of war risk protection and indemnity insurance interim binder,* and 308.305 *Standard form of Second Seamen's war risk insurance interim binder,* by changing the expiration dates contained therein to read "midnight, February 7, 1966, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Maritime Administrator.

Dated: November 23, 1965.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 65-12923; Filed, Dec. 1, 1965; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 999]

DATES

Importation Exemptions

Notice is hereby given of a proposal by the Department, to amend § 999.1 *Regulation governing the importation of dates* (7 CFR Part 999) pursuant to the requirements of section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal under consideration is to provide that any dates that are denatured so as to render them unfit for human consumption may be imported exempt from the provisions of this section. Interest has been expressed in dates to be utilized as a livestock feed supplement.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 30th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows: Revise § 999.1(d) to read:

§ 999.1 Regulation governing the importation of dates.

* * * * *

(d) *Exemptions.* Notwithstanding any other provision of this section, any lot of dates for importation which in the aggregate does not exceed 70 pounds and any dates that are so denatured as to render them unfit for human consumption may be imported exempt from the provisions of this section.

* * * * *

Dated: November 29, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12934; Filed, Dec. 1, 1965; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Parts 201, 206, 251, 287]

CHARGES AND FEES FOR CERTAIN SERVICES

Notice of Extension of Time for Filing Comments

In notice of proposed rule making appearing in F.R. Doc. 65–10742, in the FEDERAL REGISTER issue of October 9, 1965 (30 F.R. 12889), comments on the proposed charges or fees were permitted to be filed "by close of business on November 8, 1965." The time for submission of comments was extended to December 1, 1965 (30 F.R. 14014, November 5, 1965).

Notice is hereby given that the time in which comments may be submitted is extended to "by close of business on December 8, 1965."

By order of the Maritime Administrator.

Dated: November 30, 1965.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 65–12997; Filed, Dec. 1, 1965; 9:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—AA 643.3–r]

PERCHLORETHYLENE SOLVENT FROM FRANCE

Determination of Sales at Not Less Than Fair Value

NOVEMBER 24, 1965.

On October 5, 1965, there was published in the FEDERAL REGISTER a Notice of Intent to Discontinue Investigation and to Make Determination That No Sales Exist Below Fair Value because of price revisions with respect to perchlorethylene solvent imported from France, manufactured by Solvay & Cie, Paris, France, and that such fact is considered to be evidence that there are not, and are not likely to be, sales below fair value.

No persuasive evidence or argument to the contrary having been presented within 30 days of the publication of the above-mentioned notice in the FEDERAL REGISTER, I hereby determine that because of price revisions, perchlorethylene solvent from France, manufactured by Solvay & Cie, Paris, France, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination and the statement of the reason therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 65–12913; Filed, Dec. 1, 1965; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of California State Protraction Diagram

NOVEMBER 24, 1965.

Notice is hereby given that effective January 3, 1966, the following protraction diagram, approved June 18, 1965, is officially filed of record in the Riverside Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 22

SAN BERNARDINO MERIDIAN, CALIF.

T. 13 S., R. 20 E.,
Secs. 1 and 2;
Sec. 3, E½;
Sec. 11, N½, SE¼;
Secs. 12 and 13;
Sec. 14, E½;
Sec. 23, NE¼;
Sec. 24, N½, SE¼.
T. 13 S., R. 21 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 14 S., R. 20 E.,
Sec. 25, S½;
Sec. 26, SE¼;
Sec. 35, E½.
T. 14 S., R. 21 E.,
Sec. 26, W½, SE¼;
Sec. 27, NE¼, S½;
Sec. 28, S½;
Sec. 29, W½, SE¼;
Sec. 30, NE¼, S½;
Secs. 31 to 35, inclusive.
T. 15 S., R. 21 E.,
Sec. 2, W½;
Secs. 3 to 10 inclusive;
Sec. 17 excluding mineral surveys;
Sec. 18;
Secs. 19 to 21 excluding mineral surveys;
Sec. 22;
Sec. 23, W½;
Sec. 27;
Sec. 28, N½, SE¼;
Sec. 29, W½;
Sec. 30;
Sec. 31, N½;
Sec. 32, NW¼;
Sec. 33, NE¼;
Sec. 34, N½;
Secs. 37 to 39, inclusive.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814 and the District and Land Office, Bureau of Land Management, 1414 8th Street, Post Office Box 723, Riverside, Calif., 92502.

HALL H. MCCLAIN,
District and Land Office Manager.

[F.R. Doc. 65–12862; Filed, Dec. 1, 1965; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

NOVEMBER 24, 1965.

Notice is hereby given that effective January 3, 1966, the following protraction diagram, approved June 18, 1965, is officially filed of record in the Riverside Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 23

SAN BERNARDINO MERIDIAN, CALIF.

T. 13 S., R. 22 E.,
Sec. 19, NE¼, S½;
Sec. 20, NW¼, S½;
Sec. 26 excluding mineral survey;
Secs. 27 to 34, inclusive;
Sec. 35 excluding mineral surveys.
T. 13½ S., R. 22 E.,
Secs. 31 to 33, inclusive;
Sec. 34 excluding mineral survey;
Secs. 35 and 36.
T. 14 S., R. 22 E.,
Sec. 1;
Secs. 2 to 4, inclusive excluding mineral surveys;
Secs. 5 and 6;
Sec. 7, N½, SE¼;
Sec. 8;
Secs. 9 to 11, inclusive excluding mineral surveys;
Secs. 12 to 15, inclusive;
Sec. 23, N½, SE¼;
Secs. 24 and 25;
Sec. 26, E½.
T. 14 S., R. 23 E.,
Secs. 2 to 11, inclusive;
Secs. 13 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 14½ S., R. 23 E.,
Secs. 31 to 36, inclusive.
T. 15 S., R. 22 E.,
Sec. 1;
Sec. 2, E½;
Sec. 11, E½;
Sec. 12, N½, SW¼.
T. 15 S., R. 23 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 20, inclusive;
Secs. 22 to 24, inclusive.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814 and the District and Land Office, Bureau of Land Management, 1414 8th Street, Post Office Box 723, Riverside, Calif., 92502.

HALL H. MCCLAIN,
District and Land Office Manager.

[F.R. Doc. 65–12863; Filed, Dec. 1, 1965; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

NOVEMBER 24, 1965.

Notice is hereby given that effective January 3, 1966, the following protraction diagram, approved June 18, 1965, is officially filed of record in the Riverside Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 25

SAN BERNARDINO MERIDIAN, CALIF.

T. 13 S., R. 17½ E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 and 35.
T. 14 S., R. 18 E.,
Sec. 5, NW¼, S½;
Secs. 6 and 8;
Sec. 9, NW¼, S½;
Sec. 22, NW¼, S½;
Sec. 23, NW¼, S½;
Sec. 27;
Secs. 37 to 58, inclusive.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814, and the District and Land Office, Bureau of Land Management, 1414 8th Street, Post Office Box 723, Riverside, Calif., 92502.

HALL H. MCCLAIN,
District and Land Office Manager.

[F.R. Doc. 65-12864; Filed, Dec. 1, 1965; 8:46 a.m.]

[Oregon 016900]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

NOVEMBER 23, 1965.

The Corps of Engineers, U.S. Department of the Army, has filed an application, Serial Number Oregon 016900, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, 30 U.S.C.) and mineral leasing laws.

The applicant desires to use the land in connection with construction, operation, and maintenance of the Applegate Reservoir Project on the upper Applegate River, a tributary of the Rogue River.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

Rogue River National Forest

T. 40 S., R. 3 W.,
Sec. 30, NE¼NE¼NW¼, S½NE¼NW¼, SE¼SW¼NW¼, SE¼NW¼, and SW¼;
Sec. 31, W½E½ and W½.
T. 40 S., R. 4 W.,
Sec. 25, NE¼, SW¼, NE¼SE¼, W½SE¼, and N½SE¼SE¼;
Sec. 26, E½SE¼;
Sec. 34, SE¼SE¼;
Sec. 35, NE¼NE¼, S½NE¼, SW¼, NE¼SE¼, and W½SE¼.
T. 41 S., R. 4 W.,
Sec. 1, NW¼NW¼, S½NW¼, and N½S½;
Sec. 3, E½NE¼, N½SW¼, and SE¼;
Sec. 11, NE¼, E½NW¼, and W½SW¼;
Sec. 15, lots 5 and 6.

Total national forest lands—2661.47 acres.

Public Domain

T. 41 S., R. 3 W.,
Sec. 6, E½NE¼, NW¼NE¼, NE¼NW¼, and NE¼SE¼.
T. 41 S., R. 4 W.,
Sec. 2, SE¼NE¼ and NW¼NW¼;
Sec. 14, lot 8.

Total public domain lands—293.39 acres.

The areas described aggregate 2954.86 acres.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 65-12865; Filed, Dec. 1, 1965; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

NOVEMBER 23, 1965.

Notice is hereby given that effective January 4, 1966, the following protraction diagram, approved June 18, 1965, is officially filed of record in the Sacramento, Calif., Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM

HUMBOLDT MERIDIAN

T. 3 S., R. 1 W.,
Sec. 21, including NW¼;
Secs. 22 and 23;
Sec. 24, including NE¼;
Secs. 25, 26, and 27;
Sec. 28, excluding SW¼;
Sec. 33, excluding NW¼;
Secs. 34, 35, and 36.

JOHN E. CLUTE,
Chief, Branch of Title and Records.

[F.R. Doc. 65-12894; Filed, Dec. 1, 1965; 8:49 a.m.]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 24, 1965.

Notice of an application Serial No. Colo. 0125220 for withdrawal and reservation of lands was published as Federal Register Document No. 65-4486 on page 6090 of the issue for April 29, 1965. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10 a.m. on December 30, 1965, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

NEW MEXICO PRINCIPAL MERIDIAN, COLO.

T. 46 N., R. 6 W.,
Sec. 17, SE¼NE¼SW¼, E½SE¼SW¼, SW¼NW¼SE¼, and W½SW¼SE¼;
Sec. 20, E½E½W½, and W½W½E½.

The area described aggregates approximately 220 acres in Gunnison County.

J. ELLIOTT HALL,
Chief, Lands and Minerals Program Management.

[F.R. Doc. 65-12895; Filed, Dec. 1, 1965; 8:49 a.m.]

[F-031915]

ALASKA

Notice of Amendment of Proposed Withdrawal and Reservation of Lands

The Bureau of Land Management, U.S. Department of the Interior, has filed an application to amend Serial Number Fairbanks 031915, application for withdrawal to enlarge the area to that described below. These lands will be withdrawn from all forms of appropriation under the public land laws, including the mining laws. The applicant desires the land for establishment of a Bureau of Land Management protective area, under Executive 10355 (43 U.S.C. 141).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Manager, Fairbanks District and Land Office of the Bureau of Land Management, Department of the Interior, Post Office Box 1150, Fairbanks, Alaska.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to deter-

mine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

RICHARDSON CLEAR CREEK AREA

Unsurveyed land at approximate latitude 64°12' N., and approximate longitude 146°10' W., described by perimeter.

TRACT 1

All lands within ¼ mile of Clear Creek or any of the channels of that stream between a point which bears S. 69°0' E. at a distance of 295 chs. from VABM "Top" 1579 and a point marked by the confluence of Clear Creek and a slough of the Tanana River.

Excluding what will be when surveyed lots 1, 2, and 3, U.S. Survey 4224 and lots 1 through 11, inclusive, U.S. Survey 4163.

The tract described contains approximately 1,700 acres.

TAYLOR HIGHWAY AREA

Unsurveyed land described by perimeter.

TRACT 2

Beginning at a point on the centerline of the Taylor Highway at the intersection of this centerline and the left limit of the South Fork of the Fortymile River, said point found at approximate latitude 64°04' N., approximate longitude 141°46' W.

From the initial point: Southwesterly, along the centerline of the Taylor Highway approximately 10 chs.; northerly, parallel to the course of the South Fork of the Fortymile River approximately 40 chs.; easterly, to a point on the left limit of said River approximately 10 chs.; southerly, along the left limit of said River approximately 10 chs. to the point of beginning.

The tract described contains approximately 40 acres.

TRACT 3

Beginning at a point on the centerline of the Taylor Highway at the intersection of this centerline and the right limit of the West Fork of the Dennison Fork of the Fortymile River, said point found at approximate latitude 63°53' N., approximate longitude 142°14' W.

From the initial point: Southerly along the centerline of the Taylor Highway approximately 20 chs.; westerly approximately 40 chs.; northerly to a point on the right limit of the West Fork of the Dennison Fork of the Fortymile River approximately 20 chs.; easterly along the right limit of said river approximately 40 chs. to the point of beginning.

The tract described contains approximately 80 acres.

TRACT 4

Beginning at a point on the centerline of the Taylor Highway where this centerline intersects with the centerline of the roadway known as "the Boundary Cutoff", said point found at approximate latitude 64°09' N., approximate longitude 141°20' W.

From the initial point: Easterly along the centerline of the Taylor Highway approximately 10 chs.; southerly approximately 20 chs.; westerly approximately 20 chs.; northerly approximately 20 chs.; easterly along the centerline of the Taylor Highway approximately 10 chs. to the point of beginning.

The tract described contains approximately 40 acres.

The area described aggregates approximately 1,860 acres.

R. DON CHRISTMAN,
Acting State Director.

[F.R. Doc. 65-12914; Filed, Dec. 1, 1965; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

MONROE LIVESTOCK MARKET ET AL.

Notice of Changes in Names of Posted Stockyards; Corrected Reprint

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*
ALABAMA	
Monroe Livestock Market, Monroeville, May 1, 1961.	Monroe Livestock Market, Inc., July 28, 1965.
ARIZONA	
Arizona Livestock Auction, Phoenix, Nov. 5, 1957--	Arizona Livestock Auction, Inc., July 1, 1965.
ARKANSAS	
Hope Livestock Commission Company, Hope, Dec. 18, 1958.	Hope Livestock Commission, Apr. 20, 1965.
IDAHO	
Jerome Livestock Commission Co., Jerome, Mar. 29, 1950.	Tink's Livestock Commission, Inc., July 26, 1965.
IOWA	
Algona Livestock Market, Algona, May 16, 1959---	Algona Livestock Auction, Aug. 15, 1965.
Marvel-Edge Livestock Market Center, Inc., Webster City, Feb. 10, 1941.	Marvel Livestock Market Center, Inc., Mar. 1, 1965.
KANSAS	
Coffey County Community Sale, Burlington, June 16, 1959.	Coffey County Livestock Market, July 1, 1965.
LOUISIANA	
La. Delta Auction Company, Tallulah, June 21, 1957.	Tallulah Livestock Auction, July 15, 1965.
West Monroe Livestock Auction, Inc., West Monroe, Mar. 29, 1957.	West Monroe Livestock Auction, Aug. 16, 1965.
MISSOURI	
Neosho Livestock Auction, Neosho, June 4, 1959---	Neosho Livestock Auction Co., June 15, 1965.
Tuesday Community Sale, Butler, June 5, 1959---	Butler Community Sale, June 5, 1965.
NEW YORK	
Kimball Stand Commission Sales, Jamestown, Aug. 11, 1960.	Norvel Reed & Sons, Inc., July 1, 1965.
NORTH CAROLINA	
Asheville Live Stock Yard, Asheville, Sept. 26, 1957.	Asheville Livestock and Implement Company, Inc., July 17, 1965.
OREGON	
Salem Auction Yard, Salem, May 14, 1960--------	Salem Auction Yard, Inc., July 1, 1965.
SOUTH DAKOTA	
Willow Lake Sales Co., Willow Lake, June 24, 1959--	Willow Lake Sales Company, July 1, 1965.
TEXAS	
Hico Commission Company, Hico, Sept. 11, 1961---	Hico Livestock Commission, July 26, 1965.
O. L. Colley Livestock Commission Company, Mt. Pleasant, May 18, 1950.	C & S Livestock Commission Company, July 1, 1965.
Wharton Livestock Commission Co., Wharton, Oct. 26, 1951.	Wharton County Livestock Commission Co., Feb. 20, 1964.

Done at Washington, D.C., this 6th day of October 1965.

J. R. BRANNIGAN,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-10912; Filed, Oct. 12, 1965; 8:51 a.m.]

DECATUR LIVESTOCK AUCTION, ET AL.

Posted Stockyards; Corrected Reprint

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and location of stockyard and date of posting

ARKANSAS

Decatur Livestock Auction, Decatur, Nov. 2, 1965.

CALIFORNIA

Newhall Horse and Mule Auction, Inc., Newhall, Oct. 10, 1965.

MISSISSIPPI

Ledford Livestock Company, Inc., doing business as Mississippi Livestock Yards, Laurel, Oct. 30, 1965.

TEXAS

Canyon Livestock Commission Company, Canyon, Oct. 21, 1965.

WYOMING

Laramie Livestock Exchange, Inc., Laramie, Nov. 7, 1965.

Done at Washington, D.C., this 16th day of November 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65–12515; Filed, Nov. 19, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for 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 6B1896) has been filed by American Cyanamid Co., Wayne, N.J., 07470, proposing that paragraph (d)(3) of § 121.2536 *Filters resin-bonded* be amended by changing the first item to read "Melamine-formaldehyde as the basic polymer or chemically modified with one or more of the amine catalysts identified in § 121.2514(b)(3)(xiii)."

Dated: November 23, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65–12901; Filed, Dec. 1, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

URANIUM HEXAFLUORIDE

Charges and Specifications

Correction

In F.R. Doc. 65–12828, appearing at page 14821 of the issue for Tuesday, November 30, 1965, the following correction is made in Table 4, under item 6: For molybdenum, the numerical value should read "200" instead of "300".

CIVIL AERONAUTICS BOARD

[Docket No. 15353; Order E–22939]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of November 1965.

An agreement 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, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1–2 and 1–2–3 of the International Air Transport Association (IATA), and adopted at the meetings of the Bermuda Conference, September 20 through October 3, 1965.

The agreement encompasses resolutions for effect December 1, 1965, relating to transatlantic passenger fare matters. It accomplishes the redrafting, with technical revisions, and readoption of the resolution establishing baggage excess weight charges. The substantive provisions are the same as previously approved by the Board.[1] The agreement, in addition, adopts a new resolution relating to the applicability of resolutions relating to ancillary fare matters, such as baggage rules, in situations where the carriers are unable to agree upon basic fares. In such circumstances, the new resolution provides that the ancillary resolutions shall not be deemed void except in instances where their applicability is expressly made dependent upon effectiveness of resolutions establishing fares.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions to be adverse to the public interest or in violation of the Act.

CAB No. 18575	IATA No.	Title	Application
R-1	003	Rescission resolution	1-2-3.
R-2	009	Applicability of resolutions in absence of IATA agreed fares.	1-2, 1-2-3.
R-3	311	Baggage excess weight charges.	1-2, 1-2-3.

[1] Approved in Order E–21714, dated Jan. 25, 1965, for the period Apr. 1, 1965 through Mar. 31, 1967.

Accordingly, it is ordered That:

Agreement CAB 18575, R–1 through R–3, be approved.

Any air carriers 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 19 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. 65–12925; Filed, Dec. 1, 1965; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13931, 13933; FCC 65–1053]

BURLINGTON BROADCASTING CO. AND MOUNT HOLLY-BURLINGTON BROADCASTING CO., INC.

Memorandum Opinion and Order

In re applications of William S. Halpern and Louis N. Seltzer, d/b as Burlington Broadcasting Co., Burlington, N.J., Docket No. 13931, File No. BP–12580; Mount Holly-Burlington Broadcasting Co., Inc., Mount Holly, N.J., Docket No. 13933, File No. BP–13952; for construction permit.

1. The Commission has under consideration[1] a decision of the U.S. Court of Appeals for the District of Columbia Circuit issued on March 17, 1965 (Case No. 17,988), remanding the above proceeding to the Commission.[2] The Court's decision denied the Commission's motion for remand for the issuance of appropriate orders adopting the Report and Recommendation of the Commission released December 10, 1964, FCC 64–1133, 3 RR 2d 863, and directed the Commission to reopen the record, accept the application of West Jersey Broadcasting Co. and all other qualified applicants for the facilities here involved, allow intervention by John C. Giordano, Receiver of the assets of Mount Holly-Burlington Broadcasting Co., Inc., and hold new comparative proceedings to determine which applicant is best qualified to be awarded said facilities.

2. Pursuant to the Court's decision, the Commission will reopen the record herein, accept the tendered application of

[1] The Commission will also consider herein a Petition for Leave to Amend filed Oct. 21, 1965, by Burlington Broadcasting Co.

[2] On Oct. 25, 1965, the U.S. Supreme Court denied a petition for certiorari filed by Burlington Broadcasting Co. seeking review of this decision, —— U.S. ——.

West Jersey Broadcasting Co., and permit the filing of additional applications for the facilities here involved. This proceeding will remain in abeyance during a 60-day period within which new applications will be accepted for filing in accordance with the terms outlined herein.

3. To accommodate the filing of new applications, the Commission waives the applicable provisions of its rules insofar as the procedures prescribed herein may conflict with such rules; particularly §§ 1.227, 1.571, and 1.591.

4. Since the filing of new applications will be permitted, Burlington Broadcasting Co. and West Jersey Broadcasting Co., whose applications are now on file with or tendered to the Commission, may amend such applications as they wish or file new applications during the time allowed for filing new applications. Therefore, Burlington Broadcasting Co.'s petition for leave to amend will be dismissed as moot.

Accordingly, it is ordered, This 24th day of November 1965, that the record of the instant proceeding is reopened and said proceeding is held in abeyance, pending further order of the Commission; and

It is further ordered, That the application of West Jersey Broadcasting Co. is accepted for filing; and

It is further ordered, That interested parties so desiring may, within 60 days of the release of this Memorandum Opinion and Order, file applications for 1460 kc in Mount Holly or Burlington, N.J.; and

It is further ordered, That the Petition for Leave to Amend, filed October 21, 1965, by William S. Halpern and Louis N. Seltzer, d/b as Burlington Broadcasting Co. is dismissed as moot, and that Burlington Broadcasting Co. and West Jersey Broadcasting Co. may amend their above-described applications as they see fit during the aforementioned 60-day period allowed for the filing of new applications.

It is further orderd, That John C. Giordano, Receiver of the assets of Mount Holly-Burlington Broadcasting Co., Inc., is permitted to participate in all further hearings in this proceeding as a party intervenor.

Released: November 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–12929; Filed, Dec. 1, 1965; 8:51 a.m.]

[Docket Nos. 16060, 16061; FCC 65R–419]

CLAY COUNTY BROADCASTING CO. AND WILDERNESS ROAD BROADCASTING CO.

Memorandum Opinion and Order Amending Issues

In re applications of John E. White, Calvin C. Smith, Jack C. Hall, and Cloyd Smith, d/b as Clay County Broadcasting Co., Manchester, Ky., Docket No. 16060, File No. BPH–4596; The Wilderness Road Broadcasting Co., Manchester, Ky., Docket No. 16061, File No. BPH–4655; for construction permits.

1. The Review Board has before it a petition to enlarge issues, filed September 29, 1965, by The Wilderness Road Broadcasting Co. (Wilderness), and comments, filed October 11, 1965, by the Broadcast Bureau. A late opposition was filed by Clay County Broadcasting Co. (Clay) on November 5, 1965.[1]

2. Clay and Wilderness are mutually exclusive applicants for FM Channel 276 in Manchester, Ky. Their applications were the subject of two letters received by the Commission during the months of August and September 1965, commenting favorably on the qualifications of John E. White, a member of the Clay partnership. One letter, from Governor Edward T. Breathitt of Kentucky, was dated August 19, 1965; the other, from Father Walter O'Donnell, was dated September 8, 1965. Both of these dates are subsequent to the adoption by the Commission of new rules concerning ex parte communications.[2]

3. Rule 1.1225(a) prohibits interested parties from making or soliciting ex parte presentations. It therefore becomes necessary to determine if in fact any solicitation to influence the proceeding was made. Cf., Black Hills Video Corporation, FCC 65–1005, released November 12, 1965. The determination of this question should be made with particular reference to whether the solicitation, if any, was made prior to August 16, 1965, the effective date of the Report and Order. Knowledge of the matters to be determined by the issues added herein is peculiarly within the knowledge of Clay County Broadcasting Co., and that applicant will therefore have the burden of proceeding with the introduction of evidence and the burden of proof under the issues. See Elyria-Lorain Broadcasting Company, FCC 65–857, released September 29, 1965.

Accordingly, it is ordered, This 24th day of November 1965, that the petition to enlarge issues, filed September 29, 1965, by the Wilderness Road Broadcasting Co., is granted to the extent reflected herein and is denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following issues:

To determine whether John E. White or any other partner in Clay County Broadcasting Co., at any time after public notice was given of the filing of a conflicting application, solicited Governor Edward T. Breathitt of Kentucky, or Father Walter O'Donnell to make an ex parte presentation to the Commission in behalf of their application.

To determine, in light of evidence adduced pursuant to the foregoing issue, whether Clay County Broadcasting Co. possesses the requisite character qualifications to be a licensee of the Commission.[3]

Released: November 26, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–12930; Filed, Dec. 1, 1965; 8:52 a.m.]

[Docket Nos. 15877, 15878; FCC 65M–1539]

SMILES OF VIRGINIA, INC., AND PETERSBURG BROADCASTING CO., INC.

Order Continuing Prehearing Conference

In re applications of Smiles of Virginia, Inc., Petersburg, Va., Docket No. 15877, File No. BPH–4641; Petersburg Broadcasting Co., Inc., Petersburg, Va., Docket No. 15878, File No. BPH–4700; for construction permits.

The Hearing Examiner having under consideration a petition, filed on November 24, 1965, by Smiles of Virginia, Inc., requesting that the prehearing conference in the above-entitled proceeding, presently scheduled for November 26, 1965, be continued to December 7, 1965, at 9 a.m.; and

It appearing, that the comparative issues in this proceeding may be rendered moot by the recent action of the Commission in allocating a second FM channel to Petersburg, Va.; and

It further appearing, that counsel for the other parties to this proceeding have informally consented to the instant postponement and agreed to a waiver of the 4-day rule:

It is therefore, ordered, This 24th day of November 1965, that the petition be and it is hereby granted; and the prehearing conference now scheduled for November 26, 1965, be and the same is hereby continued to December 7, 1965, at 9 a.m., in the offices of the Commission in Washington, D.C.

Released: November 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–12931; Filed, Dec. 1, 1965; 8:52 a.m.]

[3] Commissioners Hyde and Bartley absent; Commissioner Cox not participating.

[1] Despite the untimeliness of Clay's opposition, the Board has considered White's affidavit and Father O'Donnell's letter attached thereto and does not consider that either document negates the need for the issues added herein.

[2] Report and Order, Rules Governing Ex parte Communications in Hearing Proceedings, FCC 65–598, 5 RR 2d 1681, 1 FCC 2d 49, released July 21, 1965, effective Aug. 16, 1965.

[3] Wilderness also requests addition of an issue to determine whether these matters require assessment of a "comparative demerit" aginst Clay in the event that Clay is not considered to be disqualified. It is not necessary to add such an issue as the evidence adduced pursuant to the issues added herein will, of course, be relevant to the comparative issue. See discussion of Character, Policy Statement on Comparative Broadcast Hearings, FCC 65–689, 5 RR 2d 1901, 1913, 1 FCC 2d 393, 399.

[4] Dissenting statement of Board Member Nelson filed as part of original document.

[Docket Nos. 16290, 16291; FCC 65M-1540]

WMGS, INC. (WMGS), AND OHIO RADIO, INC.

Order Continuing Prehearing Conference

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097, for renewal of license; and Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BP-16423, for construction permit.

The Hearing Examiner having under consideration communication dated November 22, 1965, from counsel for WMGS, Inc. (WMGS), requesting that the prehearing conference now scheduled for December 15, 1965, be rescheduled for December 20, 1965;

It appearing, that good cause exists why said request should be granted and counsel for WMGS, Inc., states that counsel for Ohio Radio, Inc., and Chief, Broadcast Bureau interpose no objection to said request;

Accordingly, it is ordered, This 26th day of November 1965, that the request is granted and that the prehearing conference now scheduled for December 15, 1965, be and the same is hereby rescheduled for December 20, 1965, 9 a.m., in the Commission's offices, Washington, D.C.

Released: November 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12932; Filed, Dec. 1, 1965; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP66-148]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

NOVEMBER 23, 1965.

Take notice that on November 12, 1965, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP66-148 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional daily contract quantity of 163 Mcf of natural gas to Wilson Gas Service Co., Inc. (Wilson Gas), an existing customer of Applicant, as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Wilson Gas has advised Applicant by letter dated October 15, 1965, that it has elected, pursuant to paragraph 17 of the general terms and conditions of Applicant's FPC Gas Tariff, to receive service under Applicant's Rate Schedule G-2, to be effective December 1, 1965, in lieu of continuing to receive service under Applicant's Rate Schedule CD-2. Wilson Gas has further advised Applicant that it requires and will contract for an additional Daily Contract Quantity of 163 Mcf of natural gas for delivery to commence December 1, 1965. Wilson Gas has an existing Daily Contract Quantity of 587 Mcf of gas. Applicant proposes to sell and deliver the additional volume of gas from its unallocated capacity of 30,171 Mcf of gas authorized by order issued in Docket No. CP65-404 on August 24, 1965.

Applicant states that no additional facilities are required for the proposed sale and delivery and that said sale and delivery will be made at an existing delivery point.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 13, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12885; Filed, Dec. 1, 1965; 8:48 a.m.]

[Docket No. RI64-176]

GULF OIL CORP.

Order Permitting Withdrawal of Increased Rate Filing, Severing Proceeding in Part, and Terminating Proceeding in Part

NOVEMBER 23, 1965.

By its motion filed October 27, 1965 in the above-entitled proceeding, Gulf Oil Corp. (Gulf) requests that it be permitted to withdraw Supplement No. 8 to Gulf's FPC Gas Rate Schedule No. 192, and that the subject increased rate proceeding insofar as it involves said Supplement No. 8 be terminated as well as severed from the show cause proceedings in Docket Nos. AR61-1, et al.

The Commission finds: As said Supplement No. 8 has not been placed in effect, good cause exists for permitting its withdrawal; and, insofar as Docket No. RI64-176 involves said Supplement No. 8, for severing such part from the show cause proceedings in Docket Nos. AR61-1, et al., and for terminating such part from the proceeding in Docket No. RI64-176.

The Commission orders:

(A) Supplement No. 8 to Gulf's FPC Gas Rate Schedule No. 192 is permitted to be withdrawn.

(B) Insofar as Docket No. RI64-176 involves said Supplement No. 8, such portion of the proceeding is severed from the show cause proceedings in Docket Nos. AR61-1, et al., and such portion of the preceeding in Docket No. RI64-176 is terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12883; Filed, Dec. 1, 1965; 8:48 a.m.]

[Docket No. RI66-181]

PAN AMERICAN PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

NOVEMBER 23, 1965.

On November 1, 1965, Pan American Petroleum Corp. (Pan American) [1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 27, 1965.

Purchaser and producing area: Tennessee Gas Transmission Co. (Riverdale O'Neil Field, Nueces and San Patricio Counties, Texas) (R.R. District No. 4).

Rate schedule designation: Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 138.

Effective date: December 2, 1965.[2]
Amount of annual increase: $5,475.
Effective rate: 14.0 cents per Mcf.
Proposed rate: 15.0 cents per Mcf.[3]
Pressure base: 14.65 p.s.i.a.

Pan American proposes a unilateral or "ex parte" rate increase to 15.0 cents per Mcf from a present rate of 14.0 cents per Mcf now being collected for gas sold to Tennessee Gas Transmission Co. (Tennessee) in Texas Railroad District No. 4. Pan American's contract with Tennessee expired on May 1, 1956. Pan American now delivers gas to Tennessee on a day-to-day basis and reserves the right to change rates at such time and to such extent as it alone may deem proper, subject only to the rules and regulations of the Commission and the requirements of the Natural Gas Act.

Pan American's proposed rate exceeds the applicable price level for increased rates in Texas Railroad District No. 4 as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[1] Address is: Post Office Box 3092, Houston, Tex., 77001.

[2] The stated effective date is the effective date proposed by Respondent.

[3] Ex parte price increase.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 138 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 138.

(B) Pending such hearing and decision thereon, Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 138 is hereby suspended and the use thereof deferred until May 2, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 5, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-12887; Filed, Dec. 1, 1965; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

UNITED CALIFORNIA BANK

Order Approving Merger of Banks

In the matter of the application of United California Bank for approval of merger with Feather River National Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by United California Bank, Los Angeles, Calif., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Feather River National Bank, Oroville, Calif., under the charter and title of the former. As an incident to the merger, the sole office of Feather River National Bank would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided,* That said merger shall not be consummated (a) within 7 calendar days after the date of this Order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 22d day of November 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65-12860; Filed, Dec. 1, 1965; 8:46 a.m.]

SOCIETY CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Society Corp., Cleveland, Ohio, for approval of the acquisition of voting shares of the North Madison Banking Co., North Madison, Ohio.

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 of Society Corp., Cleveland, Ohio, a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of the North Madison Banking Co., North Madison, Ohio.

In accordance with section 3(b) of the Act, the Board notified the Ohio Superintendent of Banks of receipt of the application and requested his views and recommendation thereon. The Superintendent recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER of July 14, 1965 (30 F.R. 8869), providing an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. The time for filing such comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) within 7 calendar days after the date of this Order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 24th day of November 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65-12861; Filed, Dec. 1, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2487, 7-2488]

AMERICAN SUGAR CO. AND ETHYL CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 26, 1965.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities and Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges: American Sugar Co., File 7-2487; Ethyl Corp., File 7-2488.

Upon receipt of a request, on or before December 13, 1965, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information

[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 San Francisco. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Shepardson, Mitchell, Daane, and Maisel. Voting against this action: Governor Robertson.

[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 Cleveland.

[2] Voting for this action: Unanimous, with all members present.

contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-12876; Filed, Dec. 1, 1965; 8:47 a.m.]

[File No. 70-4331]

OHIO EDISON CO.

Notice of Proposed Acquisition of Utility Assets

NOVEMBER 26, 1965.

Notice is hereby given that Ohio Edison Co. ("Ohio Edison"), 47 North Main Street, Akron, Ohio, 44308, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions proposed therein which are summarized below.

Ohio Edison proposes to acquire from the Village of Lowellville, Ohio ("Lowellville"), the electric distribution system (exclusive of land and buildings) presently owned and operated by the latter, and which serves approximately 665 customers. Said property consists of poles, crossarms, lights, primary and secondary wires, cables, transformers, transformer platforms and stations, meters, service drops, fixtures, tools, appliances and any and all other equipment and personal property used in connection with said system; and includes approximately 14½ pole line miles of overhead distribution facilities, 190 street lights and 131 line transformers of approximately 2081 kva. aggregate capacity.

Ohio Edison proposes to pay $258,560 for said property, which is to be transferred to Ohio Edison free and clear of all encumbrances. It is stated that said price was bid by Ohio Edison pursuant to an advertisement inviting bids issued by Lowellville under an ordinance adopted by that municipality; that Ohio Edison's was the sole bid submitted; and that the bid was duly accepted by Lowellville.

Lowellville is situated in close proximity to the city of Youngstown and surrounding areas in Ohio presently served by Ohio Edison. Ohio Edison presently supplies power to Lowellville for distribution over its system under a municipal resale power contract, which the parties will terminate at the time of the transfer of the property. Under said contract, Ohio Edison delivered to Lowellville 4,568,000 Kwh. of electric energy and received revenues of $70,670 during the 12-month period ended September 30, 1965. The filing states that upon the consummation of the acquisition, the property will be operated as a part of the Ohio Edison integrated system, and that application of Ohio Edison's rates will result in an over-all reduction in the bills of Lowellville's present customers.

The filing states further that the property to be acquired will be recorded on the books of Ohio Edison on the basis of the original cost thereof (to the extent such original cost can be determined from records or estimated) and the difference, if any, between the purchase price of such property and such original cost will be recorded and disposed of in accordance with the accounting regulations and orders of the regulatory commissions having jurisdiction, namely, the Federal Power Commission and The Public Utilities Commission of Ohio; and that, except to the extent of such accounting jurisdiction by said two regulatory agencies, no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Expenses incurred by Ohio Edison in connection with the proposed transaction, consisting of company payroll costs and expenses and miscellaneous expenses, are estimated at $300.

Notice is further given that any interested person may, not later than December 17, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should 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 the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-12877; Filed, Dec. 1, 1965; 8:47 a.m.]

[File No. 70-4330]

MISSISSIPPI POWER & LIGHT CO.

Proposed Issue and Sale at Competitive Bidding of Principal Amount of Bonds and Par Value of Preferred Stock

NOVEMBER 26, 1965.

Notice is hereby given that Mississippi Power & Light Co. ("Mississippi"), Post Office Box 1640, Jackson, Miss., 39205, an electric utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Mississippi proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $25,000,000 principal amount of First Mortgage Bonds, ____ percent Series due January 1, 1996. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be received for the bonds (which price, exclusive of accrued interest, shall be not less than 100 percent nor more than 102¾ percent of the principal amount) are to be determined by competitive bidding. The bonds will be issued under and secured by the Company's Mortgage and Deed of Trust, dated September 1, 1944, as heretofore supplemented, and as to be further supplemented by an Eighth Supplemental Indenture, dated January 1, 1966.

Mississippi also proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, 100,000 shares of its authorized but unissued $100 par value preferred stock. The annual dividend rate (which shall be a multiple of 1/25th of 1 percent) and the price to be received for the preferred stock (which shall be not less than $100 nor more than $102.75 per share) are to be determined by the competitive bidding.

The net proceeds from the sale of the bonds and preferred stock, together with internally generated funds and funds on hand (including $4,000,000 expected to be derived from the sale by Mississippi to Middle South of 250,000 shares of no par value common stock, File No. 70-4328) will be used, to the extent necessary, to retire bank borrowings then outstanding which will have been incurred for the purpose of completing Mississippi's 1965 construction program. The remaining proceeds will be applied toward Mississippi's 1966 construction program, estimated at $49,000,000, and for other corporate purposes. It is stated that no further financing will be required in respect of the 1966 construction program other than about $7,000,000 of short term bank borrowings to be incurred in 1966.

The declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred by Mississippi in connection with the proposed transactions are estimated to aggregate $95,000, allocated $65,000 and $30,000, respectively, to the issue and sale of the bonds and preferred stock. The aforesaid amounts include auditor's fees of $2,500 and $1,000 respectively, and counsel fees in the amounts of $19,000 and $14,000, respectively. The fees of counsel for the underwriters, estimated

at $7,000 for the bonds and $5,000 for the preferred stock, are to be paid in each case by the successful bidders.

Notice is further given that any interested person may, not later than December 21, 1965, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should 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 the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after that date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12878; Filed, Dec. 1, 1965; 8:47 a.m.]

[File No. 70-4326]

NATIONAL FUEL GAS CO. ET AL.

Merger of Subsidiary Companies, Intrasystem Transfer of Assets, and Dissolution of Subsidiary Company

NOVEMBER 26, 1965.

Notice is hereby given that National Fuel Gas Co. ("National"), 30 Rockefeller Plaza, New York, N.Y., 10020, a registered holding company, its gas utility subsidiary company, United Natural Gas Co. ("United"), and two of its wholly owned, nonutility, gas-producing subsidiary companies, Empire Gas & Fuel Co. ("Empire") and Jefferson County Co. ("Jefferson"), have filed a joint application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, and 10 of the Act and Rules 42, 43, 44, and 46 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

United is engaged in the business of producing, purchasing, storing, transporting, and selling natural gas at wholesale and retail. Its service area is located in western and northwestern Pennsylvania and a small section of eastern Ohio, and its principal wholesale customer is Iroquois Gas Corp. ("Iroquois"), a public-utility subsidiary company of National which distributes gas at retail in western New York. United's total assets, as at August 31, 1965, were recorded at $60,076,114. At that date, all of its outstanding securities, except $500,000 principal amount of notes payable to banks, were owned by National.

Empire produces natural gas from its own wells in Potter County, Pa. This production is delivered at the Pennsylvania-New York border to Iroquois. Empire's total assets, as at August 31, 1965, were recorded at $284,804. All of its outstanding common stock was acquired by National in January 1962 (Holding Company Act Release No. 14537 (October 31, 1961)).

Jefferson, also a producer of natural gas, owns and operates 323 gas wells and a gathering system in several contiguous townships in Jefferson, Elk, and Forest Counties, Pa. It sells substantially all of its production to Pennsylvania Gas Co., a public utility subsidiary company of National, which operates in northwestern Pennsylvania and in Chautauqua County, N.Y. Jefferson's total assets, as at August 31, 1965, were recorded at $826,372.

In order to effectuate corporate simplification of the National holding-company system, it is proposed that Empire be merged into United. In connection therewith, United will issue 6,802 shares of its no par value capital stock to National upon the latter's surrender of the 2,000 shares of Empire's $100 par value capital stock which it now holds. The merger is to become effective as of the close of business on December 31, 1965. Empire's assets, together with its earned surplus, will be recorded on the books of United at the same amounts at which they are recorded on the books of Empire on the closing date. After giving effect to the merger, National's investment in United's stock will be equal to the sum of its present investments in the stocks of United and Empire.

It is also proposed that United acquire for cash from Jefferson all of the latter's assets and other debits, except organization costs, cash, and U.S. Government obligations, and assume all liabilities and other credits of Jefferson, as of December 31, 1965. The net value of such assets, at original cost less accrued depreciation, after deducting all liabilities, was $546,439 at August 31, 1965. United will record the assets of Jefferson on its books at the same amounts at which they are recorded on the books of Jefferson on the date of closing. After January 1, 1966, Jefferson will be dissolved under Pennsylvania law, and its then net assets, consisting entirely of cash, will be distributed to National, its sole stockholder, as a liquidating dividend.

The joint application-declaration states that the Pennsylvania Public Utility Commission and the Federal Power Commission have jurisdiction over the proposed merger; that the orders of said commissions are to be filed herein by amendment; and that no other regulatory agency, other than this Commission, has jurisdiction over the transactions proposed.

Fees and expenses incident to the proposed transactions are estimated at $275 for National and $5,450 for United, the latter amount consisting of counsel fees and expenses and $50 filing fees.

Notice is further given that any interested person may, not later than December 17, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should 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 the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12879; Filed, Dec. 1, 1965; 8:47 a.m.]

[File No. 1-3393]

VTR, INC.

Order Suspending Trading

NOVEMBER 26, 1965.

The common stock, $1 par value, of VTR, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for

the period November 28, 1965, through December 7, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12880; Filed, Dec. 1, 1965; 8:48 a.m.]

TARIFF COMMISSION

[337-20]

IN-THE-EAR HEARING AIDS

Amendment of Notice of Investigation and Postponement of Date of Hearing

The paragraph numbered (1) of the Tariff Commission's notice of investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) with respect to in-the-ear hearing aids, published in the FEDERAL REGISTER on October 5, 1965 (30 F.R. 12693), is amended so as to read as follows:

(1) That, for the purposes of section 337 of the Tariff Act of 1930, an investigation be instituted with respect to imported in-the-ear hearing aids which are made in accordance with or employ, embody, or contain the inventions disclosed in claims of United States Letters Patent 3,197,576 and/or 3,197,577 and /or United States Letters Patent Design 200,858.

The public hearing in connection with the above-mentioned investigation, heretofore scheduled for 10 a.m., e.s.t., on December 7, 1965, has been rescheduled for 10 a.m., e.s.t., on January 18, 1966.

Issued: November 24, 1965.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 65-12881; Filed, Dec. 1, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 850]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 26, 1965.

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 as 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 protest 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.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 504 (Sub-No. 84), filed October 13, 1965. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's representative: Monty Schumacher, 1375 Peachtree Street NE., Suite 693, Atlanta 9, Ga. 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 by the Commission, commodities in bulk, and those requiring special equipment), between Nahunta and Folkston, Ga., over U.S. Highway 301, serving all intermediate points. NOTE: Applicant states that it intends to tack the above proposed authority at Nahunta, Ga., with authority previously granted in Certificate No. MC 504 (Sub-No. 44) between Waycross and Brunswick, Ga. This route connects in turn with applicant's regular and irregular route authority issued in Certificate Nos. MC 504 subs 1, 21, 29, 30, 33, 36, 37, 42, 43, 44, 46, 47, 49, 50, 56, 60, and 69, wherein applicant is authorized to serve points in the States of Georgia, New York, New Jersey, Pennsylvania, Maryland, Virginia, South Carolina, Illinois, Indiana, Ohio, North Carolina, Delaware, Alabama, and the District of Columbia, for the transportation of general commodities with certain exceptions. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 531 (Sub-No. 201), filed November 15, 1965. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex., 77021. Applicant's representative: Ewell H. Muse, Jr., 515 Perry-Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from the plantsite of Dow Chemical Co., at or near Plaquemine, La., to points in Mississippi, Alabama, Arkansas, and Texas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 730 (Sub-No. 263), filed November 15, 1965. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, between points in Union County, Oreg., on the one hand, and, on the other, points in Montana and Washington. NOTE: Applicant states that it intends to tack the above proposed authority with that authority previously granted in Certificates No. MC 730 Subs 52 and 60, wherein applicant is authorized to serve points in the States of California, Arizona, Utah, Nevada, Washington, Montana, Oregon, Idaho, Texas, New Mexico, Colorado, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 998 (Sub-No. 7), filed November 8, 1965. Applicant: LINDSAY TRANSFER, INC., Post Office Box 384, Sutton, Nebr., 68979. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stamp dispensers, metal pipe and irrigation equipment, grain bins, corn cribs, storage tanks, metal buildings* (knocked down and complete), *dryers, drying and aeration equipment, conveying equipment, feed automation equipment, fertilizer spreaders, barnyard equipment* (including oilers, feeders, waterers, and gates), *electric motors and switches*, and *all parts and components* used in the manufacture, erection, and operation of the aforementioned items, from Henderson, Nebr., and points within 7 miles thereof, to points in the United States, except Alaska, Hawaii, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island; and (2) *aluminum and aluminum articles, iron and steel articles*, as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Indiana, Illinois, Michigan, Ohio, Iowa, and Kansas, to Henderson, Nebr., and points within 7 miles thereof. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Lincoln, Nebr.

No. MC 2230 (Sub-No. 15), filed November 15, 1965. Applicant: MACK'S TRANSPORT SERVICE, INC., 1215 North 17th Street, Box 1908, Lincoln, Nebr. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, Nebr., 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Two, three, and four wheeled automotive vehicles* used in the transportation of passengers or property, or both,

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

uncrated and *parts and accessories* for such vehicles when moving at the same time and with the same vehicles of which they are a part, from points in the United States (except Alaska and Hawaii), to Lincoln, Nebr., restricted to vehicles being returned to the site or sites of the Cushman Motor Works, Inc. NOTE: If a hearing is deemed necessary applicant requests it be held at Lincoln, Nebr.

No. MC 2392 (Sub-No. 44), filed November 15, 1965. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 432, Genoa, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from the warehouse site of Consumers Cooperative Association at Council Bluffs, Iowa, to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 3062 (Sub-No. 22), filed November 8, 1965. Applicant: L. A. TUCKER TRUCK LINES, INC., Post Office Box 414, Cape Girardeau, Mo. Applicant's representative: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo., 63102. 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 by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving Rector, Ark., as an off-route point in connection with applicant's presently authorized regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 4941 (Sub-No. 22), filed November 15, 1965. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. Applicant's representative: M. E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal cutting and mine drilling machines, and parts therefor*, from Claremont, N.H., to points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 23939 (Sub-No. 161), filed November 15, 1965. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles, Calif., 90058. Applicant's representative: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid hydrogen*, in bulk, in specially designed trailer equipment, between the plantsite of Air Products & Chemicals, Inc., located near Long Beach, Calif., on the one hand, and, on the other, the plantsite of Air Products & Chemicals, Inc., located in Orleans Parish, La., and the NASA Missile Test Facility near Gainesville, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 25869 (Sub-No. 48), filed November 8, 1965. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 7184, South Omaha, Nebr. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, 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 (except hides and commodities in bulk, in tank vehicles), from Schuyler, Nebr., to points in Colorado, Illinois, Iowa, Minnesota, and Wisconsin, restricted to traffic originating at Schuyler, Nebr. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 29553 (Sub-No. 6), filed November 15, 1965. Applicant: LAMBERT'S EXPRESS, INC., 1000 South Fourth Street, Harrison, N.J. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen sinks and household and electrical appliances*, from Newark, N.J., to points in Broome, Chemung, Cortland, and Oneida Counties, N.Y., and *returned shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 30837 (Sub-No. 322), filed November 15, 1965. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's representative: Paul F. Sullivan, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, by the truckaway method, restricted to the transportation of vehicles manufactured or assembled at the site of the plant of American Motors (Canada) Ltd., in Brampton, Ontario, Canada, (1) from Buffalo, N.Y., and points within 20 miles thereof, to points in New York and Pennsylvania; (2) from Little Ferry, N.J., and points within 20 miles thereof, to points in Connecticut, New Jersey, New York, and Rhode Island; (3) from Selkirk, N.Y., and points within 20 miles thereof, to points in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont; and (4) from Framingham, Mass., and points within 20 miles thereof, to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30837 (Sub-No. 323), filed November 15, 1965. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's representative: Paul F. Sullivan, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, with catch basincleaner, streetcleaner, and flusher bodies mounted thereon*, in secondary truckaway service, and *catch basincleaner, streetcleaner and flusher bodies* (for mounting on and use with truck chassis), from Pomona, Calif., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 31600 (Sub-No. 602), filed November 17, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's representative: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* and *vegetable oil products*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Connecticut, Massachusetts, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35320 (Sub-No. 86), filed November 15, 1965. Applicant: T.I.M.E. FREIGHT, INC., 2598 74th Street, Post Office Box 1120, Lubbock, Tex. Applicant's representatives: Frank M. Garrison, Post Office Box 1120, Lubbock, Tex., and W. D. Benson, Jr., 9th Floor Citizens Tower, Lubbock, Tex. 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 by the Commission, commodities in bulk, and those requiring special equipment), between Oklahoma City, Okla., and Globe, Ariz., from Oklahoma City, Okla., over U.S. Highway 660 to Santa Rosa, N. Mex., thence over U.S. Highway 54 to Vaughn, thence over U.S. Highway 60 to Globe, Ariz., 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: Applicant states the above proposed service will be tacked at Oklahoma City, Okla., and Globe, Ariz., for the purpose of joinder only. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, or Lubbock, Tex., or Albuquerque, N. Mex.

No. MC 35890 (Sub-No. 33), filed October 11, 1965. Applicant: BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street SW., Grand Rapids, Mich. Applicant's representative: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y., 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, in crates and cartons, from points in Massachusetts and Connecticut to Jamestown, N.Y., and (2) *new furniture* from points in Cheshire County, N.H., to Jamestown, N.Y., and *damaged*

and defective shipments of the above specified commodities, on return. NOTE: Applicant states that it intends to tack authority obtained in instant application with existing authority held to provide a through service to points in the states of Michigan, Indiana, and Illinois. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 42688 (Sub-No. 5), filed November 8, 1965. Applicant: JOHN WELLER SCHROCK, doing business as SCHROCK TRANSFER, 234 West Patriot Street, Somerset, Pa., 15501. Applicant's representative: James O. Courtney, 142 North Court Avenue, Somerset, Pa., 15501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives and household goods as defined by the Commission), between Somerset County Municipal Airport, in Somerset Township, Somerset County, Pa., on the one hand, and, on the other, points in Bedford, Cambria, Somerset, and Westmoreland Counties, Pa., and Alleghany County, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Somerset, Pa.

No. MC 50069 (Sub-No. 335), filed November 15, 1965. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill., 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasticizers*, in bulk, in tank vehicles, from Toledo, Ohio, and points within 5 miles thereof, to points in Connecticut, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 52657 (Sub-No. 642), filed November 15, 1965. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill., 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, by the truckaway method, restricted to the transportation of vehicles manufactured or assembled at the site of the plant of American Motors (Canada) Limited, in Brampton, Ontario, Canada, (1) from Buffalo, N.Y., and points within 20 miles thereof, to points in New York and Pennsylvania; (2) from Little Ferry, N.Y., and points within 20 miles thereof, to points in Connecticut, New Jersey, New York, and Rhode Island; (3) from Selkirk, N.Y., and points within 20 miles thereof, to points in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont; and (4) from Framingham, Mass., and points within 20 miles thereof, to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52709 (Sub-No. 274), filed November 16, 1965. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., to points in California, Oregon, Washington, Utah, Idaho, Arizona, Nevada, and Colorado, restricted to traffic originating at the plantsite of Spencer Packing Co. at Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 52709 (Sub-No. 275), filed November 16, 1965. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, 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, from points in Adams County, Nebr., to points in Washington, Oregon, Nevada, Utah, Idaho, and Wyoming. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 61048 (Sub-No. 5), filed June 21, 1965. Applicant: LEONARD BROS. MOTOR EXPRESS SERVICE, INC., Post Office Box 664, Greensburg, Pa. Applicant's representatives: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa., and S. Harrison Kahn, Suite 733 Investment Building, 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, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Philadelphia, Pa., and New York, N.Y., from Philadelphia over U.S. Highway 1 to Trenton, N.J., thence over U.S. Highway 206 to Somerville, N.J., and thence over U.S. Highway 22 to New York, N.Y., and return over the same route, serving all intermediate points in New Jersey; (2) between Philadelphia, Pa., and Hartford, Conn.; from Philadelphia over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Hartford, and return over the same routes, serving all intermediate points in New Jersey, New York, and Connecticut, and the off-route points in Delaware County, Pa., on and east of U.S. Highway 202; (3) between Bridgeport, Conn., and Torrington, Conn.; from Bridgeport over Connecticut Highway 8 to Torrington, and return over the same route, serving all intermediate points; and, (4) between Philadelphia, Pa., and New York, N.Y.; from Philadelphia over U.S. Highway 30 to Camden, N.J., thence over U.S. Highway 130 to New Brunswick, N.J., and thence over U.S. Highway 1 to New York, N.Y., and return over the same route, serving all intermediate points. NOTE: Applicant holds authority to transport the above specified commodities between the points indicated over irregular routes. The purpose of this application is to convert such irregular route authority to regular-route operations. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 61592 (Sub-No. 58), filed November 15, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, agricultural machinery, beach cleaners*, and *rock pickers*, from points in Scotts Bluff County, Nebr., to points in Alabama, Arizona, Colorado, Connecticut, Delaware, Illinois, Iowa, Kansas, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Utah, and Virginia, and (2) *material, equipment* and *supplies used in the manufacture and distribution of the commodities described in (1) above*, from the destination points in (1) above to points in Scotts Bluff County, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 61592 (Sub-No. 59), filed November 17, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Particle board* from points in Bell County, Ky., to points in Wisconsin, Illinois, Michigan, Ohio, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Delaware, Pennsylvania, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, and the District of Columbia; (2) *glue*, when tendered into a premounted sealed or collapsible container, from High Point, Charlotte, Fayetteville, and Greensboro, N.C., Lansdale, Pa., West Memphis, Ark., Alexandria, La., Demopolis, Ala., Bainbridge, N.Y., Houston, Tex., and Sheboygan, Wis., to points in Bell County, Ky., and (3) *lumber*, from points in Pennsylvania, New York, North Carolina, South Carolina, Indiana, Illinois, Ohio, West Virginia, Tennessee, Louisiana, Kentucky, and Vermont, to points in Bell County, Ky., and *damaged and rejected and returned shipments, and exempt commodities*, in (1), (2), (3) above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 68078 (Sub-No. 21), filed November 12, 1965. Applicant: CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn., 37407. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn., 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, between Heflin and Birmingham, Ala., over U.S. Highway 78 (also over Interstate Highway 20), serving no intermediate points; (2) between Birmingham and Cullman, Ala., over U.S. Highway 31, serving all intermediate points; (3) between Tuscaloosa, and Mobile, Ala., over U.S. Highway 43, serving no intermediate points; (4) between Birmingham, Ala., and the Alabama-Mississippi State line, from Birmingham over U.S. Highway 11 to junction U.S. Highway 82 at Tuscaloosa, Ala., thence over U.S. Highway 82 to the the Alabama-Mississippi State line, and return over the same, route, serving all intermediate points; and (5) between Reform and Aliceville, Ala., over Alabama Highway 17, serving all intermediate points. Irregular routes: (a) Between points within 18 miles of Anniston, Ala., and (b) between points within 10 miles of Cullman, Ala., on the one hand, and, on the other, points in Alabama within 125 miles of Cullman, Ala. NOTE: Applicant states the purpose of this application is to reinstate or obtain the explosive rights previously held by East Alabama Express, Inc., in MC 99151 Sub 4 and not transferred to applicant herein in the purchase of East Alabama Express, Inc., in Docket MC–F–8581 nor in companion certificate MC 68078 Sub 19 issued July 27, 1965. Applicant also states that it intends to tack the above proposed authority with that authoriy previously granted in Certificate No. MC 68078 and Subs 4, 5, 7, 11, 12, 13, 15, 17, and 19, wherein applicant is authorized to serve points in the States of Tennessee, Alabama, and Georgia. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 68539 (Sub-No. 18), filed November 12, 1965. Applicant: ROMANS MOTOR FREIGHT, INC., Ord, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat byproducts* and *articles distributed by meat packinghouses*, 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 (except hides and commodities in bulk, in tank vehicles), from Schuyler, Nebr., to points in Kansas, North Dakota, Oklahoma, South Dakota, and Wyoming. NOTE: Applicant states the proposed operation will be restricted to traffic originating at Schuyler, Nebr. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 68539 (Sub-No. 19), filed November 12, 1965. Applicant: ROMANS MOTOR FREIGHT, INC., Ord, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat byproducts* and *articles distributed by meat packinghouses*, 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 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in Kansas, North Dakota, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 74846 (Sub-No. 57), filed November 15, 1965. Applicant: LEWIS G. JOHNSON, INC., Port Gibson, N.Y. Applicant's representative: Raymond A. Richards, Post Office Box 25, Webster, N.Y., 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of American Home Foods at Milton, Pa., to points in that part of New York on and west of a line beginning at Clayton, N.Y., and extending along New York Highway 12 to Binghamton, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 75185 (Sub-No. 258), filed Novemoer 15, 1965. Applicant: SERVICE TRUCKING CO., INC., Post Office Box 276, Federalsburg, Md., 21632. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from plantsite of American Home Foods Division at Milton, Pa., to points in Florida, Georgia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Washington, D C.

No. MC 82063 (Sub-No. 16), filed November 8, 1965. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough Street, St. Louis 11, Mo. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, liquid, in bulk, in tank vehicles, from points in the United States (excluding Alaska and Hawaii), to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 85784 (Sub-No. 3), filed October 27, 1965. Applicant: HOMER WHITE, INC., 297 Ramsdell Avenue, Buffalo, N.Y., 14223. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. 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 by the Commission, commodities in bulk, and those requiring special equipment), between Buffalo and Niagara Falls, N.Y.; (1) from Buffalo over New York Highway 265 to Tonawanda (also over New York Highway 266 to Tonawanda), and thence over New York Highway 384 to Niagara Falls, (2) from Buffalo over New York Highway 384 to Niagara Falls, (3) from Buffalo over New York Highway 384 to North Tonawanda, thence over New York Highway 429 to Johnsburg, N.Y., and thence over New York Highway 18 to Niagara Falls, and return over the same routes, serving all intermediate points in (1) through (3) above, and (4) between Buffalo and Niagara Falls, N.Y., over Interstate Highway 190, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 92983 (Sub-No. 481), filed November 10, 1965. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in New York to points in Illinois and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 95540 (Sub-No. 659), filed November 15, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast*, from Jacksonville, Fla., to Thomasville, Ga. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 95540 (Sub-No. 660), filed November 17, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Schuyler, Nebr., restricted to traffic originating at the plantsite of Spencer Packing Co., Schuyler, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 95540 (Sub-No. 661), filed November 17, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Post Office Box 828, Thomasville, Ga. Applicant's representative: Jack M. Hol-

loway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, not frozen, from Robbinsville, N.J., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 102295 (Sub-No. 9), filed November 16, 1965. Applicant: GUY HEAVENER, INC., Harleysville, Pa. Applicant's representative: 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: *Stone*, from points in Bucks County, Pa., to points in New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 103993 (Sub-No. 236), filed November 15, 1965. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind., 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements from points in Blue Earth County, Minn., to points in the United States (except Hawaii), but including Alaska. NOTE: If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 105045 (Sub-No. 15), filed November 16, 1965. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum* and their products and byproducts, and (2) *machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up of pipe*, except the stringing or picking up of pipe in connection with main or trunk pipelines, between points in West Virginia and Virginia, on the one hand, and, on the other, points in North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 107107 (Sub-No. 355), filed November 12, 1965. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles* distributed by meat packinghouses as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), (2) *foods, food ingredients and food materials*, (3) *chemicals, chemical blends*, and *ingredients* to be used in further manufacturing processes; transportation of which does not require special equipment or bulk or tank vehicles, (4) *inedible meats, meat products, and meat byproducts, lard, tallows, and oils*, (5) *agricultural products and those commodities* embraced in section 203(b)(6) of Part II of the Interstate Commerce Act, when moving in the same vehicle with economic regulated commodities, (6) *frozen animal and poultry foods*, and (7) *industrial products*, in packages, requiring refrigeration, from Gulfport, Miss., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 107403 (Sub-No. 653), filed November 8, 1965. 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 plastics*, in bulk, in tank or hopper vehicles, from Gales Ferry, Conn., to Federalsburg, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 654), filed November 15, 1965. 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 chemicals*, in bulk, from Lewistown, Pa., to points in Maryland, New Jersey, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 429), filed November 17, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Wood River, Ill., and points within 5 miles thereof, to points in Indiana, Kansas, Kentucky, Michigan, Missouri, New Jersey, Ohio, Nebraska, Minnesota, Wisconsin, and Pennsylvania. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 431), filed November 15, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil*, in bulk from Hartford, Ill., to Indianapolis, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 107698 (Sub-No. 40), filed November 15, 1965. Applicant: BONANZA, INC., Post Office Box 5526, Midwest City, Okla. Applicant's representative: Wilburn L. Williamson, 443–54 American Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables* and *frozen berries* (1) from points in Oregon and Washington to Sanger, Calif., and (2) from Sanger, Calif., to points in Texas, Missouri, Kansas, Oklahoma, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108068 (Sub-No. 54), filed November 17, 1965. Applicant: U.S.A.C. TRANSPORT, INC., 25200 West Six Mile Road, Detroit, Mich., 48240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Articles* requiring specialized handling or rigging, and (b) *articles* which do not require specialized handling or rigging when moving in the same shipment or same vehicle with articles which require specialized handling or rigging, between points in North Carolina, Virginia, West Virginia, Delaware, Maryland, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Ohio, Illinois, Indiana, and District of Columbia; (2) (a) *commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, and (b) *commodities* which do not require the use of special equipment when moving in the same shipment or same vehicle with commodities which require the use of special equipment because of size or weight, between points in Texas, on the one hand, and, on the other, points in Ohio and the Lower Peninsula of Michigan; (3) (a) *commodities*, the transportation of which, because of size or weight, requires the use of special equipment or special handling, and (b) *commodities*, which do not require the use of special equipment or special handling when moving in the same shipment or same vehicle with commodities requiring the use of special equipment or special handling because of size or weight, from points in Michigan and Ohio, to points in California, Nevada, and Utah, part (3) (a) and (b) are restricted against the transportation to Utah and Nevada of commodities used in or in connection with the construction, maintenance, repair, operation, servicing, or dismantling of pipelines; and any operations authorized in paragraphs 3(a) or 3(b) shall not be tacked or joined with any other authority presently held by carrier for purpose of providing through service; and (4) (a) *heavy machinery* and *articles* which require specialized handling or rigging be-

cause of their size or weight and (b) *machinery* or *articles* which do not require the use of specialized handling or rigging when moving in the same shipment or same vehicle with heavy machinery or articles which require specialized handling or rigging because of their size or weight, between points in Lucas County, Ohio, on the one hand, and, on the other, points in the Lower Peninsula of Michigan. NOTE: Applicant presently holds the authority in 1(a), 2(a), 3(a), and 4(a) above and seeks no extension of territory. Applicant is seeking only an extension of authority in 1(b), 2(b), 3(b), and 4(b) above. Applicant intends to tack any grant of authority except in 3(a) and 3(b) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., and Chicago, Ill.

No. MC 108449 (Sub-No. 216), filed November 16, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from Janesville, Wis., and points within 10 miles thereof, to points in Illinois and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 108460 (Sub-No. 15), filed November 15, 1965. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, from Lidgerwood, N. Dak., to points in Big Stone, Chippewa, Grant, Medicine, Stevens, and Swift Counties, Minn., and points in that part of South Dakota east of U.S. Highway 281 and north of U.S. Highway 14 and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109584 (Sub-No. 133), filed November 15, 1965. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo., 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices and fruit-juice concentrates*, in bulk, in tank vehicles, between points in Arizona, on the one hand, and, on the other, points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 109689 (Sub-No. 169), filed November 15, 1965. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah, 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bags or bulk, *urea solutions, ammonium nitrate solutions, nitrogenous fertilizer solutions*, and *nitric acid*, in bulk, in tank vehicles, from Cheyenne, Wyo., and points within 5 miles thereof, to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 110420 (Sub-No. 491), filed November 15, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, starch, and products of corn*, dry, in bulk, in tank and hopper type vehicles, from Decatur, Ill., to points in New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 492), filed November 15, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gin*, in bulk, in tank vehicles, from Pekin, Ill., to points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 493), filed November 19, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweeteners, and blends and mixtures thereof*, in bulk, in tank or hopper type vehicles, from Granite City, Ill., to Edinburg, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110525 (Sub-No. 756), filed November 15, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C., 20005, and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugars*, and *blends and mixtures*, of liquid sugar, invert sugar, and corn syrup, in bulk, in tank vehicles, (1) from Toledo, Ohio, to points in Indiana, Michigan, and Pennsylvania, and (2) from Detroit, Mich., to points in Indiana, Ohio, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111231 (Sub-No. 95), filed November 15, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, packages or drums, and *advertising material, articles distributed by wholesale or retail suppliers, marketers, or distributors of petroleum products*, in the conduct of their business when shipped in mixed loads with petroleum products, from Oklahoma City, Okla., to points in Iowa and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 111812 (Sub-No. 323), filed November 17, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102, and William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, advertising matter, display racks and premiums* used or useful in the sale and distribution of candy and confectionery, from Milwaukee, Wis., to points in Idaho, Montana, Oregon, Utah, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 112148 (Sub-No. 39), filed November 12, 1965. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Westfield, N.Y., and North East, Pa., to points in Iowa, Nebraska, Minnesota, Missouri, South Dakota, and North Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 134), filed November 12, 1965. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* (except nitrogen fertilizer solutions), in bulk, in tank vehicles, from the storage facilities of the Allied Chemical Corp. in Bainbridge, Ga., to points in Alabama, Florida, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 112617 (Sub-No. 213), filed November 12, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's representative: L. 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: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Albany and Alma, Ga., and points within 15 miles thereof, to points in Alabama

and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 35), filed November 8, 1965. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Post Office Box 272, Cicero Station, Chicago, Ill., 60650. Applicant's representative: 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: *Lubricating oils, petroleum lubricating products, proprietary antifreeze, alcohol compounds, carbon gum and sludge removing compounds, greases, core oils and compounds, and automobile chemicals and compounds*, from Danville and Seneca, Ill., to points in Wisconsin, Indiana, Ohio, Kentucky, Minnesota, Tennessee, West Virginia, Pennsylvania, New Jersey, New York, Michigan, Maryland, Delaware, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 36), filed November 8, 1965. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Post Office Box 272, Cicero Station, Chicago, Ill., 60650. Applicant's representative: 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: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant and terminal facilities of Olin Mathieson Chemical Corp., Joliet, Ill., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Wisconsin, Kentucky, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 57), filed November 15, 1965. Applicant: EARL BRAY, INC., Linwood and North Streets, Post Office Box 1191, Cushing, Okla., 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dispersants, refrigerants*, and *blends or mixtures thereof*, including but not limited to trichloromonofluoromethane, dichlorodifluromethane, monochlorodifluoromethane, trichlorotrifluoroethane, and dichlorotetrafluoethane, in bulk and in containers, from Wichita, Kans., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 113388 (Sub-No. 67), filed November 9, 1965. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Bridgeville, Del. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from the plantsite of American Home Foods at Milton, Pa., to points in Delaware, Florida, Georgia, Maryland, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia, and (2) *refused, damaged, rejected and returned shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 168) (Amendment), filed August 26, 1965, published FEDERAL REGISTER of September 9, 1965, amended November 16, 1965, and republished, as amended, this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles* distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wichita, Kans., to points in Kansas, Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and *exempt commodities*, on return. NOTE: The purpose of this republication is to add the destination State of Arizona. If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 113678 (Sub-No. 194), filed November 15, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in George, Hinds, Rankin, Copiah, and Greene Counties, Miss., to points in Colorado, Louisiana, Texas, Oklahoma, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, Delaware, West Virginia, North Carolina, Virginia, South Carolina, Georgia, Florida, Tennessee, Alabama, Arkansas, Kentucky, Nebraska, and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 114045 (Sub-No. 208), filed November 15, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from Cade and Lozes, La., to points in Arizona, California, Idaho, New Mexico, Nevada, Oregon, Texas, Utah, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 114045 (Sub-No. 209), filed November 15, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Robbinsville, N.J., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 210), filed November 15, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen meats), from Kansas City, Mo., to points in Delaware, Kentucky, New Jersey, New York, Maryland, Ohio, Pennsylvania, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114045 (Sub-No. 211), filed November 15, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, prepared or preserved* (other than frozen), from Fruitland, Md., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114165 (Sub-No. 3), filed November 15, 1965. Applicant: PELICAN TRUCKING COMPANY, INC., 1600 Wells Island Road, Shreveport, La. Applicant's representative: Robert L. Garrett, Slattery Building, Shreveport, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal tanks* of all types and kinds, between Shreveport, La., and Texarkana, Ark.-Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 114211 (Sub-No. 94), filed November 8, 1965. Applicant: WARREN TRANSPORT, INC., 213 Witry Street, Post Office Box 420, Waterloo, Black Hawk County, Iowa. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements and farm machinery, generators, generators and engines combined, and parts* of the above-named commodities, from Newton, Iowa, to points in the United States, including Alaska (but excluding Hawaii), and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114360 (Sub-No. 13), filed November 15, 1965. Applicant: SOUTHERN EXPRESS COMPANY, a corporation, 3333 Cicero Avenue, Cicero, Ill. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and*

steel and *iron and steel articles*, between points in Pennsylvania, Ohio, West Virginia, Indiana, Illinois, Wisconsin, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 115793 (Sub-No. 6), filed November 12, 1965. Applicant: CALDWELL FREIGHT LINES, INC., Post Office Box 672, Lenoir, N.C. Applicant's representative: H. Overton Kemp, Room 101, 327 North Tryon Street, Post Office Box 20202, Charlotte, N.C., 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* and *furniture parts*, from Johnson City, Tenn., to points in Caldwell and Catawba Counties, N.C., and *rejected, refused,* and *damaged furniture* and *furniture parts*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 115826 (Sub-No. 117), filed November 15, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, 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 (except hides, and commodities in bulk, in tank vehicles), from Worthington and Mankato, Minn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115841 (Sub-No. 255), filed November 15, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts,* and *articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (2) *frozen foods;* (3) *canned and preserved foods;* (4) *chemicals, blends* and *ingredients to be used in further manufacturing processes*, transportation of which does not require special equipment or bulk or tank vehicles; (5) *inedible meats, meat products and meat byproducts, lard, tallows,* and *oils;* (6) *agricultural products* and those *commodities* embraced in section 203(b)(6) of Part II of the Interstate Commerce Act, when moving in the same vehicle with economic regulated commodities; (7) *frozen animal and poultry foods;* (8) *industrial products* in packages, requiring refrigeration; and (9) *coffee*, condensed, *coffee extracts, coffee*, green, *tea*, and *tea dust, and sugar*, from Gulfport, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 115841 (Sub-No. 256), filed November 15, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, Michigan, Ohio, New Jersey, Pennsylvania, New York, Rhode Island, Vermont, Virginia, West Virginia, Kentucky, and Tennessee. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 116085 (Sub-No. 2), filed November 15, 1965. Applicant: FRISKNEY AND HARDING TRUCKING, INC., Post Office Box 3, Kendallville, Ind. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed autographic register paper, autographic registers, sales books, deposit slips, sales slips,* and *printed forms*, from the plantsites and warehouses of Sturgis Newport Business Forms, Inc., located at Sturgis, Mich., Corinth, Miss., Clanton, Ala., Newport News, Va., White Water, Wis., Pompano Beach, Fla., Birmingham, Ala., and Binghamton, N.Y., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Indiana, Michigan, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, and (2) *machinery, materials and supplies* used or useful in the manufacture of printed autographic register paper, autographic registers, sales books, deposit slips, sales slips and printed forms, on return. Restrictions: The service proposed herein is subject to the following conditions: The authority sought herein is restricted against the transportation of commodities, to the extent pertinent, which because of size or weight require the use of special equipment. The operations proposed herein are limited to a transportation service to be performed under a continuing contract or contracts, with Sturgis Newport Business Forms, Inc., Sturgis, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 116457 (Sub-No. 2), filed November 17, 1965. Applicant: CLAUDE BUTLER, doing business as BUTLER TRUCKING CO., Box 416, Show Low, Ariz. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, Ariz., 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, from points in Yavapai, Coconino, Navajo, Apache, and Gila Counties, Ariz., to points in New Mexico, Texas, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 116602 (Sub-No. 4), filed November 12, 1965. Applicant: JAMES F. HERLIHY, doing business as HERLIHY TRUCKING COMPANY, Rural Delivery No. 2, Binghamton, N.Y. Applicant's representative: Donald C. Carmien, 300 Press Building, Binghamton, N.Y., 13902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, those requiring special equipment, classes A and B explosives, commodities in bulk and household goods as defined by the Commission), between points in Broome, Tioga, and Chenango Counties, N.Y., on the one hand, and, on the other, the John F. Kennedy International Airport, New York, N.Y., restricted to traffic having an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 116763 (Sub-No. 70), filed November 16, 1965. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared,* or *preserved foodstuffs* from points in Massachusetts to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 116791 (Sub-No. 19), filed November 12, 1965. Applicant: FARMERS ELEVATOR OF KENSINGTON, MINNESOTA, INC., Kensington, Minn., 56343. Applicant's representative: A. R. Fowler, 2288 University Avenue, Saint Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa*, ground and pressed into cubes or pellets, in bulk, from West Fargo, N. Dak., to Duluth, Minn., and Superior, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117344 (Sub-No. 160), filed November 17, 1965. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Post Office Box 37, Cincinnati, Ohio, 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to Wyandotte, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117883 (Sub-No. 69), filed November 17, 1965. Applicant: SUBLER TRANSFER, INC., East Main Street, Post Office Box 62, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite of Spencer Packing Co., located at or near Schuyler, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington, D.C., restricted to traffic originating at the plantsite of Spencer Packing Co. located at or near Schuyler, Nebr., and against the transportation of hides, and bulk commodities in tank vehicles. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119268 (Sub-No. 50), filed November 15, 1965. Applicant: OSBORN, INC., 228 North Fourth Street, Post Office Box 649, Gadsden, Ala. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), (2) *frozen foods*, (3) *canned and preserved foods*, (4) *chemicals, chemical blends, and ingredients*, to be used in further manufacturing processes, transportation of which does not require special equipment or bulk or tank vehicles, (5) *inedible meats, meat products, and meat byproducts, lard, tallows, and oils*, (6) *agricultural products* and those *commodities* embraced in section 203(b) (6) of Part II of the Interstate Commerce Act, when moving in the same vehicle with economically regulated commodities, (7) *frozen animal and poultry foods*, (8) *industrial products*, in packages, requiring refrigeration, and (9) *coffee*, condensed, *coffee extracts, coffee, green tea and tea dust and sugar*, from Gulfport, Miss., to points in Alabama, Georgia, Idaho, Ohio, Illinois, Indiana, Iowa, Michigan, Minnesota, Oregon, Utah, Washington, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 119547 (Sub-No. 8), filed November 12, 1965. Applicant: EDGAR W. LONG, Route No. 4, Zanesville, Ohio. Applicant's representative: Richard H. Brandon, Hartman Building, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay building tile and materials used in the installation of clay building tile*, from points in Stark County, Ohio, and points in Tuscarawas County, Ohio, within 2 miles of East Sparta, Ohio, to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wyoming, and Washington, D.C., and (2) *materials used in the manufacture of clay building tile*, from the destination States specified above to points in Stark County, Ohio, and points in Tuscarawas County, Ohio, within 2 miles of East Sparta, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119654 (Sub-No. 2), filed November 15, 1965. Applicant: HI-WAY DISPATCH, INC., 26th Street and Bypass, Marion, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Chicago, Ill., to points in Indiana on and north of U.S. Highway 40, and Rushville, Shelbyville, and Connersville, Ind., and *damaged and rejected shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119767 (Sub-No. 128) (Amendment), filed September 30, 1965, published FEDERAL REGISTER issue October 21, 1965, amended November 22, 1965, and republished as amended this issue. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, millwork, roofing, and materials and supplies* used by roofing, building, and paving contractors, from points in Jackson County, Iowa, and points within ten (10) miles thereof, to points in Wisconsin and the Upper Peninsula of Michigan. NOTE: The purpose of this republication is to add *materials* in the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 139), filed November 15, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, from points in Pulaski County, Ill., to points in Illinois, Indiana, Kentucky, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Winona, Minn.

No. MC 119829 (Sub-No. 17), filed November 12, 1965. Applicant: F. J. EGNER & SON, INC., Post Office Box 216, West Richfield, Ohio. Applicant's representative: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch*, in bulk, in tank vehicles, (1) from East Liverpool, Ohio, to Youngstown and McDonald, Ohio, and (2) from McDonald, Ohio to Youngstown, Ohio. NOTE: Applicant states that it holds authority to transport "heavy residual fuel oil" between the points set forth in this application in MC 119829 (Sub-No. 2). In view of the similarity of character of these two substances, applicant is of the belief that it may already have authority to transport coal tar pitch. Out of an abundance of caution and in order to avoid any question as to the propriety of its operations, this application is filed. If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 121142 (Sub-No. 5) (Amendment), filed October 13, 1965, published FEDERAL REGISTER issue of November 4, 1965, amended November 18, 1965, and republished, as amended, this issue. Applicant: J & G EXPRESS, INC., Post Office Box 2069, Jackson, Miss. Applicant's representative: James N. Clay III, 340 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk), (1) between Grenada and Houston, Miss., over Mississippi Highway 8, serving all intermediate points, (2) between junction Mississippi Highway 7 and the Mississippi-Tennessee State line and Belzoni, Miss., over Mississippi Highway 7, serving all intermediate points, and (3) between Grenada and Jackson, Miss., over U.S. Highway 51, with closed doors (except for shipments to or from points on the routes described in (1) and (2) above). NOTE: The purpose of this republication is to broaden the scope of the proposed operation, in (3) above. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 123067 (Sub-No. 38), filed November 12, 1965. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representative: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, having a prior movement by rail, water or pipeline, between points in North Carolina, South Carolina, Virginia, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 123639 (Sub-No. 40), filed November 12, 1965. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo., 80216. Applicant's representative: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wahoo, Nebr., to points in Arizona, California, Colorado, and New Mexico. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 124078 (Sub-No. 169), filed November 17, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone*, in bulk, from Gantts Quarry, Ala., to Sandusky, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 124211 (Sub-No. 73), filed November 15, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln 1, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Canned goods and foodstuffs*, serving points in St. Croix County, Wis., as off-route points in connection with applicants' authorized regular-route operations, from St. Paul, Minn., to Lincoln, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124211 (Sub-No. 74), filed November 15, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln 1, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fungicides, herbicides, insecticides, and petroleum products*, from points in Vermilion County, Ill., to points in Nebraska (except Omaha). NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124211 (Sub-No. 75), filed November 17, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, 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, from points in York County, Nebr., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124511 (Sub-No. 5), filed November 15, 1965. Applicant: JOHN F. OLIVER, Post Office Box 233, Mexico, Mo. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory clay products*, from Mexico, Mo., and points in its commercial zone, to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 124951 (Sub-No. 15), filed November 15, 1965. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. Applicant's representative: Robert M. Pearce, 1033 State Street, Central Building, Bowling Green, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and dairy products*, (1) from Evansville, Ind., and Owensboro, Ky., to points in Tennessee, and (2) from points in Indiana, Illinois, Kentucky, and Tennessee, to Evansville, Ind., and Owensboro, Ky., and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124951 (Sub-No. 16), filed November 17, 1965. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. Applicant's representative: Robert M. Pearce, 1033 State Street, Bowling Green, Ky., 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, from Evansville and Mount Vernon, Ind., and Owensboro, Ky., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin, and *rejected shipments*, on return. NOTE: Applicant is also authorized to operate as a contract carrier under Permit No. MC 119309, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124951 (Sub-No. 17), filed November 17, 1965. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. Applicant's representative: Robert M. Pearce, 1033 State Street, Bowling Green, Ky., 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds* and *dry animal and poultry feed ingredients* (except canned animal feeds), and *insecticides* in mixed loads only with the commodities specified above, from Mount Vernon, Ind., to points in Illinois, Indiana, Kentucky, Missouri, and Tennessee, and *rejected shipments*, on return. NOTE: Applicant is also authorized to operate as a contract carrier in Permit No. MC 119309, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126822 (Sub-No. 3), filed November 17, 1965. Applicant: PASSAIC GRAIN & WHOLESALE CO., INC., Post Office Box 23, Passaic, Mo. Applicant's representative: Carll V. Kretsinger, Suite 510, Professional Building, Kansas City, Mo., 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, between Phelps City, Mo., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127253 (Sub-No. 20), filed November 15, 1965. Applicant: GRACE LEE CORBETT, doing business as R. A. CORBETT TRANSPORT, Post Office Box 86, Lufkin, Tex. Applicant's representative: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, acids, fertilizer, fertilizer materials*, and *urea*, liquid and dry, in bulk, and (2) *fertilizer* and *urea*, in bags, from Helena, Ark., and points in Arkansas within 10 miles thereof, to points in Oklahoma, Texas, New Mexico, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Memphis, Tenn., Little Rock, Ark., New Orleans, La., or Houston, Tex.

No. MC 127443 (Sub-No. 1), filed November 16, 1965. Applicant: ROBERT GUY SCHOLL, doing business as SCHOLL TRUCKING, Box 621, Scottsbluff, Nebr. Applicant's representative: Donald E. Leonard, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Freeport, Tex., to Denver, Colo., and points in Nebraska. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 124216 and sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant request it be held at Denver, Colo.

No. MC 127458 (Sub-No. 2), filed November 17, 1965. Applicant: DOBSON CARTAGE & STORAGE COMPANY, a corporation, 1006 East Indiana Street, Bay City, Mich. Applicant's representative: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated furniture* and *merchandise*, in retail delivery service, between Bay City and Midland, Mich., on the one hand, and, on the other, points in Michigan on and north of Michigan Highway 46 and on and east of U.S. Highway 27 and Interstate Highway 75, under a continuing contract with Sears, Roebuck & Co., Bay City, Mich. NOTE: Applicant is also authorized to conduct operations as common carrier in Certificate No. MC 69322, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 127715, filed November 12, 1965. Applicant: NU-WAY EXPRESS AND VAN CO., INC., 1401 South State Street, Chicago, Ill., 60605. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and appliances*, uncrated, between points in Cook, Du Page, Lake and Will Counties, Ill., on the one hand, and, on the other, points in that part of Indiana on and west of Indiana Highway 15 and on and north of U.S. Highway 24. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127721, filed November 8, 1965. Applicant: DEPENDABLE DELIVERY SERVICE, INC., 522 Twin Oaks Drive, Havertown, Pa. Applicant's representative: Harry C. Maxwell, 200 Penn Square Building, Juniper and Filbert Streets, Philadelphia 7, Pa. Authority sought to operate as a *contract carrier*,

by motor vehicle, over irregular routes, transporting: *Such merchandise* as is ordinarily dealt in by retail stores and mail-order houses, between Philadelphia, King and Prussia, and Upper Darby, Pa., and Audubon, N.J., on the one hand, and, on the other, points in New Castle County, Del., Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, and Salem Counties, N.J., and Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, and Philadelphia Counties, Pa., and *returned shipments*, on return. NOTE: *Applicant states* that the proposed operation will be performed under a continuing contract with J. C. Penney Co., Inc., and no transportation shall be provided for any shipment; i.e., a package or a group of packages from a single consignor to a single consignee, weighing more than 500 pounds. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 127722, filed November 12, 1965. Applicant: DAVID L. RHODA, Route 1, Schoolcraft, Mich. Applicant's representative: Gordon H. Kriekard, 1015 American National Bank Building, Kalamazoo, Mich., 49006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed* and *feed ingredients*, from Hammond, Ind., to points in that part of Michigan on and south of Interstate Highway 96 and on and west of U.S. Highway 127. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 127726, filed November 15, 1965. Applicant: LAWRENCE RAY PALMER and LAWRENCE RICHARD PALMER, a partnership, doing business as PALMER MACHINE WORKS, Roundhouse Road, Box 358, Amory, Miss. Applicant's representative: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss., 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials*, dry, in bulk and in packages, from the plantsite of International Minerals & Chemical Corp., Florence, Ala., to points in Mississippi, and (2) *fertilizer and fertilizer materials*, dry, in bulk and in packages, from the plantsite of International Minerals & Chemical Corp., Tupelo, Miss., to the plantsite of International Minerals & Chemical Corp., Florence, Ala., and *rejected or returned shipments*, on return, in (1) and (2) above. NOTE: Applicant states that the proposed operation will be under a continuing contract with International Minerals & Chemical Corp., Atlanta, Ga. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 127728, filed November 12, 1965. Applicant: A. R. BAILEY and C. E. NORRIS, a partnership, doing business as AMERICAN PARCEL SERVICE, 1800 East Bessemer Avenue, Greensboro, N.C. Applicant's representative: A. W. Flynn, Jr., 201–205 Jefferson Building, Post Office Box 127, Greensboro, N.C., 27402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, cosmetics, tooth brushes, insecticides*, and *household sprays*, from Greensboro, N.C., to points in Person, Granville, Orange, Alamance, Yadkin, Davie, Caswell, Guilford, Rockingham, Stokes, Surry, Forsyth, Davidson, Randolph, Moore, and Chatham Counties, N.C., on traffic having a prior out-of-State movement. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 127729, filed November 15, 1965. Applicant: WHITE MOVING & STORAGE, INC., Rural Route No. 3, Greenfield, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, 5844–5866 North High Street, Worthington, Ohio, 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam plastic seat* and *back inserts*, from Greenfield, Ohio, to Detroit, Mich., and St. Louis, Mo., and *rejected shipments*; on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

MOTOR CARRIERS OF PASSENGERS

No. MC 14071 (Sub-No. 1), filed November 17, 1965. Applicant: LEBANON BUS CO., a corporation, 9th and Chestnut Streets, Lebanon, Pa., 17042. Applicant's representative: James W. Hagar, Post Office Box 432, Harrisburg, Pa., 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at Elstonville, Pa., and points within 15 miles of Elstonville, and extending to points in the United States, including Alaska but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 101883 (Sub-No. 3), filed November 15, 1965. Applicant: CAVALLO BUS LINES, INC., 301 West Osie Avenue, Gillespie, Ill. Applicant's representative: B. W. La Tourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between points in Madison, Macoupin, and Montgomery Counties, Ill., on the one hand, and, on the other, St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 125130 (Sub-No. 5), filed November 12, 1965. Applicant: DALTON-HINSDALE BUS LINE, INC., River Road, Hinsdale, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations limited to round-trip, sightseeing, and pleasure tours designed for leisurely travel, as distinguished from expeditious point-to-point transportation, beginning and ending at points in Berkshire County, Mass., and extending to points in the United States, excluding Alaska and Hawaii. NOTE: Applicant states ((1) each tour must include (a) sightseeing stops en route, and (b) an overnight stop every night during the entire tour, (2) on each tour the passengers must (a) maintain their identity as a group for the duration of the tour, (b) engage in some group activities that are organized, supervised, and controlled by the carrier, and (c) be accompanied by a tour conductor or guide and (3) the price of each tour must include (a) some of the meals, (b) lodging for each night during the entire tour, (c) admission fees to any point or events of interest for which a fee is charged and (d) the cost of transportation). If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 127723, filed November 10, 1965. Applicant: ANDREW RAY ENLOW, doing business as ENLOW CHARTER COACHES, 1166 Jefferson Street, Galesburg, Ill. Applicant's representative: John W. Murray, 1370 Frank Street, Galesburg, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Fulton, Hancock, Henderson, Henry, McDonough, Knox, Mercer, and Warren Counties, Ill., and extending to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, or Chicago, Ill.

WATER CARRIER APPLICATION

No. W–463 (Sub-No. 9), JAMES HUGHES, INC.—EXTENSION—FLORIDA Common Carrier Application, filed November 15, 1965. Applicant: JAMES HUGHES, INC., 17 Battery Place, New York, N.Y. Application of James Hughes, Inc., filed November 15, 1965, for a revised certificate authorizing extension of its operations to include operation as a *common carrier* by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *property*, to wit, objects too large to move by rail or truck, between ports and points along the Atlantic coast and tributary waterways, not including the New York State Canal System, from Maine to Virginia, inclusive, on the one hand, and, on the other, ports and points within the State of Florida, excluding Jacksonville. NOTE: Applicant holds authority issued June 21, 1944, in certificate W–463, to operate as a common carrier by non-self-propelled vessels with the use of separate towing vessels, in interstate or foreign commerce, in the transportation of commodities generally, between ports and points along the Atlantic coast and tributary waterways, not including the New York State Canal System, from Maine to Virginia inclusive.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 127716, filed November 15, 1965. Applicant: SCOTTSVILLE FREIGHT LINE, INCORPORATED, 635 Devon Drive, Nashville, Tenn. Applicant's rep-

resentative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn., 37402. 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 by the Commission, commodities in bulk and those requiring special equipment), between Nashville, Tenn., and Scottsville, Ky., over U.S. Highway 31E, serving those intermediate and off-route points within ten (10) miles of Nashville, Tenn., and within five (5) miles of Scottsville, Ky.

No. MC 127720, filed November 12, 1965. Applicant: EARL L. HANSON, doing business as EARL HANSON TRUCKING CO., Route 2, Box 15, Mount Vernon, Wash. Applicant's representative: James T. Johnson, IBM Building, Seattle, Wash., 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in sacks from Hamilton, Wash., and points within 5 miles thereof to points in Multnomah, Yamhill, Clackamas, Washington, Marion, Linn, Lane, and Benton Counties, Oreg. NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate MC 117444, therefore dual operations may be involved.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 88), filed November 9, 1965. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill. Applicant's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106. 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. (1) *Establish a new, regular route of operation over Idaho Highway 25 between Bliss and a point approximately 1 mile south of Wendell, herein referred to as "South Wendell Junction" as a segment of regular Idaho Route No. 14 on revised Certificate Sheet No. 58, in lieu of the present segment of said route between these points which is herein proposed to be revoked*, (2) *redescribe present alternate Idaho Route No. 15 on revised Certificate Sheet No. 58 to correctly indicate the western terminus thereof at a point approximately 3 miles south of Hagerman as "South Hagerman Junction" and, incidental to the relief requested in (1) above, revoke the segment of said Idaho Route No. 15 between West Wendell Junction and Wendell*, and (3) *in accomplishment of the foregoing relief, delete the present authorization of said Idaho Routes Nos. 14 and 15 from the certificate and substitute therefor the following*, respectively: Idaho Route No. 14, between Bliss and Twin Falls; from Bliss over Idaho Highway 25 to junction U.S. Highway 93, and thence over U.S. Highway 93 to Twin Falls, and return over the same route, serving all intermediate points. Idaho Route No. 15. Between South Hagerman Junction and West Wendell Junction; from junction U.S. Highway 30 and unnumbered highway (South Hagerman Junction), over unnumbered highway to junction Idaho Highway 25 (West Wendell Junction), as an alternate route to be used for operating convenience only, with no service at intermediate points, subject to the general conditions and orders set forth on First Revised Sheet No. 1A of Certificate No. MC 1515 (Sub-No. 7). NOTE: The changes in operating authority hereinabove shown and explained are proposed to be incorporated in the designated revised sheet to said proposed Certificate No. MC 1515 (Sub-No. 7). Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-12827; Filed, Dec. 1, 1965; 8:45 a.m.]

[2d Rev. S.O. 947; Rev. Pfahler's Car Distribution Direction 1]

PENNSYLVANIA RAILROAD CO. AND CHICAGO, BURLINGTON AND QUINCY RAILROAD CO.

Freight Car Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (a) (5) (ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220 and 7522).

It appearing, That there continues to exist a shortage of boxcars in sections of the country served by the Chicago, Burlington & Quincy Railroad Co. because of inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of cars to the railroads owning such cars are ineffective; this Agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than 30 days' notice.

It is ordered, That:

(1) The Pennsylvania Railroad Co. and the Chicago, Burlington & Quincy Railroad Co. shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight car distribution:

(a) The Pennsylvania Railroad Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) The rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

(c) Cars applied under this direction shall be carded to the Chicago, Burlington & Quincy Railroad Co. and each car shall be identified by the Pennsylvania Railroad Co. on its empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate, or divert any empty cars moving under the provisions of this direction.

(a) The Pennsylvania Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Chicago, Burlington & Quincy Railroad Co.

(b) The Chicago, Burlington & Quincy Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, received from the Pennsylvania Railroad Co. during the preceding week, ending each Sunday at 11:59 p.m.

(3) Application: The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) Effective date: This direction shall become effective at 11:59 p.m., November 30, 1965.

(6) Expiration date: This direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 29, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-12904; Filed, Dec. 1, 1965; 8:49 a.m.]

[2d Rev. S.O. 947; Pfahler's Car Distribution Direction 2; Amdt. 1]

KANSAS CITY SOUTHERN RAILWAY CO. AND ILLINOIS CENTRAL RAILROAD CO.

Freight Car Distribution

Upon further consideration of Pfahler's Car Distribution Direction No. 2 (the

Kansas City Southern Railway Co.-Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 2 be, and is hereby amended by substituting the following paragraph (6) for paragraph (6) thereof:

(6) Expiration date: This Direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this Direction shall become effective at 11:59 p.m., November 30, 1965, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 29, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-12905; Filed, Dec. 1, 1965; 8:49 a.m.]

[2d Rev. S.O. 947; 2d Rev. Pfahler's Car Distribution Direction 3; Amdt. 1]

NEW YORK CENTRAL RAILROAD CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Freight Car Distribution

Upon further consideration of Pfahler's Car Distribution Direction No. 3 (The New York Central Railroad Co.-The Chicago and North Western Railway Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 3 be, and is hereby amended by substituting the following paragraph (6) for paragraph (6) thereof:

(6) Expiration date: This Direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed or suspended by order of this Commission.

It is further ordered, That this Direction shall become effective at 11:59 p.m., November 30, 1965, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of Federal Register.

Issued at Washington, D.C., November 29, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-12906; Filed, Dec. 1, 1965; 8:50 a.m.]

[2nd Rev. S.O. 947; Rev. Pfahler's Car Distribution Direction 4]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Freight Car Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (a) (5) (ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220 and 7522).

It appearing, That there continues to exist a shortage of boxcars in sections of the country served by the Chicago, Burlington, & Quincy Railroad Co. because of inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of cars to the railroads owning such cars are ineffective; this Agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than 30 days' notice.

It is ordered, That:

(1) The Louisville and Nashville Railroad Co. and the Chicago, Burlington & Quincy Railroad Co. shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight car distribution.

(a) The Louisville and Nashville Railroad Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) The rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

(c) Cars applied under this direction shall be carded to the Chicago, Burlington & Quincy Railroad Co. and each car shall be identified by the Louisville and Nashville Railroad Co. on its empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(2) No common carriers by railroad subject to the Interstate Commerce Act shall intercept, appropriate, or divert any empty cars moving under the provisions of this direction.

(a) The Louisville and Nashville Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Chicago, Burlington & Quincy Railroad Co.

(b) The Chicago, Burlington & Quincy Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, received from the Louisville and Nashville Railroad Co. during the preceding week, ending each Sunday at 11:59 p.m.

(3) Application: The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) Effective date: This direction shall become effective at 11:59 p.m., November 30, 1965.

(6) Expiration date: This direction shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 29, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-12907; Filed, Dec. 1, 1965; 8:50 a.m.]

[Notice 126]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 29, 1965.

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-68242. By order of November 23, 1965, Transfer Board approved the transfer to Turley's Transfer Co., Inc., Central City, Ky., of Certificate in No. MC-112814, issued February 29, 1952, to L. J. Turley, Jr., doing business as Turley's Transfer Co., Central City, Ky., authorizing the transportation of: Household goods, between Central City, Ky., and points within 25 miles of Central City, on the one hand, and, on the other, points in Indiana, Ohio, Tennessee, Illinois, and West Virginia. Harold M. Streets, Benson-Lawton Building, Post Office Box 230, Central City, Ky., attorney for applicants.

No. MC–FC–68245. By order of November 23, 1965, Transfer Board approved the transfer to Marshall's Express, Inc., Providence, R.I., of Certificate in No. MC–64382, issued January 7, 1943, to John W. Marshall, doing business as Marshall's Express, Providence, R.I., authorizing the transportation of: Household goods, between East Providence and Providence, R.I., on the one hand, and, on the other, New York, N.Y., and specified parts of Connecticut and Massachusetts; and new furniture, between Providence, R.I. and Boston, Mass. Earl Edward Bushman, Jr., 100 Cumberland Road, Warwick, R.I., attorney for applicants.

No. MC–FC–68297. By order of November 29, 1965, Transfer Board approved the transfer to Mt. Pleasant Transfer, Inc., Mt. Pleasant, Tenn., of the operating rights in Certificate No. MC–71772, issued April 18, 1961, to J. H. Morgan, doing business as Mt. Pleasant Transfer Co., Mt. Pleasant, Tenn., authorizing the transportation, over regular routes, of: General commodities, with the usual exceptions, between Nashville, and Mt. Pleasant, Tenn., serving the intermediate point of Ashwood, Tenn. Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn., attorney for applicants.

No. MC–FC–68298. By order of November 26, 1965, Transfer Board approved the transfer to Fred Carpenter, Inc., Syracuse, N.Y., of the operating rights in Certificate No. MC–5164 (Sub-No. 42), issued November 5, 1946, to Fred C. Carpenter, Syracuse, N.Y., authorizing the transportation, over irregular routes of: Commodities which because of their size or weight require special handling or the use of special equipment, over irregular routes, between Syracuse, N.Y., and points and places in New York within 75 miles of Syracuse on the one hand, and, on the other, points and places in New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, and Ohio. George B. Peluso, 913 State Tower Building, Syracuse, N.Y., 13202, attorney for applicants.

No. MC–FC–68299. By order entered November 26, 1965, Transfer Board approved the transfer to Nantasket, Allerton & Hull Express Co., Inc., doing business as Daley & Wanzer, Hull, Mass., of the portion of the operating rights in Certificate No. MC–53884, issued May 11, 1949, to Charles F. Johnson and George A. Harris, a partnership, doing business as Moriarty Van Lines & C. Moriarty & Co., Jamaica Plains, Mass., and amended May 16, 1960, to show the trade name as Moriarty Van Lines, authorizing the transportation of: Household goods, as defined by the Commission, between Boston, Mass., and points within 15 miles thereof on the one hand, and, on the other, points in Maryland, Virginia, and the District of Columbia. Robert J. Gallagher, 111 State Street, Boston, Mass., 02109, attorney for applicants.

No. MC–FC–68302. By order entered November 26, 1965, Transfer Board approved the transfer to Robert W. Leasure, Wheeling, W. Va., of the portion of the operating rights in Certificate No. MC–47157, issued June 13, 1941, to Pete Zukoff, Moundsville, W. Va., authorizing the transportation, over irregular routes, of: Household goods, between points and places in Marshall and Ohio Counties, W. Va., and Belmont County, Ohio, on the one hand, and, on the other, points and places in Pennsylvania, those in West Virginia north of U.S. Highway 50, and those in Ohio east of U.S. Highway 23, including points and places on the indicated portions of the highways specified. D. L. Bennett, 2207 National Road, Wheeling, W. Va., representative for applicants.

No. MC–FC–68305. By order of November 26, 1965, the Transfer Board approved the transfer to James R. Gulley and Madison D. Locke, a partnership, doing business as J&M Trucking, East Ely, Nev., of the Certificate in No. MC–72543, issued November 30, 1961, to Dan Oxborrow, Ely, Nev., authorizing the transportation of: Livestock, from points within 50 miles of Battle Mountain, Nev., to Battle Mountain; ore and concentrates, and mining machinery, equipment, and supplies, between points in Nevada within 100 miles of Battle Mountain, Nev., including Battle Mountain, except that service is not authorized between points on U.S. Highway 40, and between points in Nevada within 150 miles of Ely, Nev., including Ely. E. R. Miller, Jr., 364 Aultman Street, Ely, Nev., attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65–12908; Filed, Dec. 1, 1965; 8:50 a.m.]

[Notice No. 93]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 29, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19227 (Sub-No. 95 TA), filed November 24, 1965. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla., 33142. Applicant's representative: J. F. Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which require the use of special equipment because of size or weight, between points in New Mexico and California, for 180 days. Supporting shippers: FMC Corp., 3075 12th Street, Box 552, Riverside, Calif., 92502; General Atomic, Post Office Box 608, San Diego, Calif., 92112; General Dynamics, Post Office Box 1950, San Diego 12, Calif.; Hardwicke-Etter Co., Sherman, Tex.; Interstate Electronics Corp., 707 East Vermont Avenue, Anaheim, Calif.; Kaufman Fabricators, Inc., Kaufman, Tex.; LTV Military Electronics Division, Post Office Box 6118, Dallas, Tex., 75222; Murdock Machine & Engineering Co., 5100 Carpenter Freeway West, Irving, Tex., 75060; Rolm Communication Facilities Co., Inc., 401 North Bowser Road, Richardson, Tex., 75081; Solar, a division of International Harvester Co., San Diego, Calif., 92112; Thermovac, 400 South Wilson Way, Stockton, Calif., 95201; Universal Pole Bracket Corp., Post Office Box 8454, Houston, Tex., 77004; and LTV Aerospace Corp., Post Office Box 5907, Dallas, Tex., 75222. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla., 33130.

No. MC 58813 (Sub-No. 67 TA), filed November 24, 1965. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. Applicant's representative: Solomon Granett, 1740 Broadway, New York, N.Y., 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers only, from Hollywood, Fla., to New York, N.Y., and *materials* and *supplies* used in the manufacture of wearing apparel, from New York, N.Y., to Hollywood, Fla., for 120 days. Supporting shipper: Haybro Uniform Corp., 2360 Hayes Street, Hollywood, Fla. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 113678 (Sub-No. 198 TA), filed November 24, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Stanley Averch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from Greeley, Colo., and Denver, Colo., to points in Nevada, for 180 days. Supporting shipper: Monfort Packing Co., Greeley, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Op-

erations and Compliance, 2022 Federal Building, Denver, Colo., 80202.

No. MC 117834 (Sub-No. 3 TA), filed November 24, 1965. Applicant: WILLIAM R. PINKERTON, doing business as BILL PINKERTON, Route 4, Box 192C, Little Rock, Ark. Applicant's representative: Guy Amsler, Jr., Donaghey Building, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable shipping containers*, knocked down or set up, from Little Rock, Ark., to points in Louisiana, for 180 days. Supporting shipper: Little Rock Crate & Basket Co., 1623 East 14th Street, Little Rock, Ark. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol Avenue, Little Rock, Ark., 72201.

No. MC 127734 TA, filed November 24, 1965. Applicant: WILLIE T. FLOWERS, Post Office Box 29, Lapel, Ind. Applicant's representative: Ira Haymaker, 806 Merchants Bank Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in beverage containers between Anderson, Ind., and Peoria, Ill., Milwaukee, Wis., and Louisville, Ky., and a radius of 5 miles around each terminal, for 180 days. Supporting shipper: Maco Beverage Corp., 1803 Columbus Avenue, Anderson, Ind. Send protests to: John G. Edmunds, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802.

No. MC 127735 TA, filed November 24, 1965. Applicant: ROY E. BARKER, doing business as ROY E. BARKER PRODUCE, 121 Manolia Street, North Little Rock, Ark. Applicant's representative: Guy Amsler, Jr., Donaghey Building, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable shipping containers*, knocked down or set up, from Little Rock, Ark., to points in Florida, and in Texas south and east of U.S. Highway 377 running from Del Rio north through Fort Worth to Interstate Highway 35 and north to the Texas border, for 180 days. Supporting shipper: Little Rock Crate & Basket Co., 1623 East 14th Street, Little Rock, Ark. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol Avenue, Little Rock, Ark., 72201.

No. MC 127736 TA, filed November 24, 1965. Applicant: L. C. Gachot and L. P. Northen, a partnership, doing business as GACHOT BROS. PRODUCE, 2011 East Roosevelt, Little Rock, Ark. Applicant's representative: Guy Amsler, Jr., Donaghey Building, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable shipping containers*, knocked down or set up, from Little Rock, Ark., to points in Florida, and Texas south and east of U.S. Highway 377 running from Del Rio north through Fort Worth to Interstate Highway 35 and north to the Texas border, for 180 days. Supporting shipper: Little Rock Crate & Basket Co., 1623 East 14th Street, Little Rock, Ark. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Building, 700 West Capitol Avenue, Little Rock, Ark., 72201.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12909; Filed, Dec. 1, 1965; 8:50 a.m.]

[No. 34573 (Sub-No. 5)]

MULTIPLE CAR RATES ON CANNED FOODSTUFFS, PACIFIC COAST TO EAST

Assignment for Hearing and Directing Special Procedure

It appearing, That in the original order in this proceeding, dated March 18, 1965, the Commission, Division 2, acting as an Appellate Division, entered upon an investigation concerning the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of canned goods, various minima, between Pacific Coast territory and transcontinental eastern defined points;

It further appearing, That by order dated October 12, 1965, the Commission instituted an investigation into the lawfulness of certain rates and charges, rules, regulations and practices of certain tariff schedules which are similar to, or in addition to, those covered by the original order and Sub-Nos. 1, 2, 3, and 4 in this proceeding;

And it further appearing, That upon consideration of the record in this proceeding and having determined that it is of such a nature as to require the adoption of special procedure, including a formal hearing before a hearing examiner, and for good cause appearing therefor:

It is ordered, That:

(a) This proceeding be, and it is hereby, referred to Hearing Examiner Richard S. Ries for hearing at the time and place hereafter designated and for recommendation of an appropriate order thereon, accompanied by the reasons therefor;

(b) The respondents and any interested party in support thereof shall file with the Commission on or before January 11, 1966, their prepared testimony, in writing, including all exhibits thereto and, at the same time, serve a copy of such prepared testimony and exhibits upon all parties to the proceeding;

(c) The protestants and any interested party in support thereof shall file with the Commission on or before February 8, 1966, their prepared testimony in writing, including all exhibits thereto and, at the same time, serve a copy of such prepared testimony and exhibits upon all parties to the proceeding;

(d) Parties desiring to cross-examine witnesses who have submitted prepared statements shall give notice to that effect in writing to the affiant and his counsel, if any, on or before February 15, 1966, a copy of such notice to be filed simultaneously with the Commission;

(e) A hearing will be held at the Offices of the Interstate Commerce Commission, Washington, D.C., on February 23, 1966, commencing at 9:30 a.m. U.S. standard time for the purpose of cross-examining all witnesses so requested and for the introduction of the rebuttal evidence of the respective parties;

(f) An original with the affidavit and signature in ink together with two copies of all prepared testimony shall be filed with the Commission;

(g) Evidence presented which fails to conform to the above-outlined procedure will be grounds for its rejection from the record of the proceeding.

It is further ordered, That a copy of this order be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER as notice to all parties.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Have been identified by name in the order or orders of investigation herein,

(2) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(3) Have appeared at a hearing.

Dated at Washington, D.C., this 9th day of November A.D. 1965.

By the Commission, Commissioner Freas.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-12910; Filed, Dec. 1, 1965; 8:50 a.m.]

TEXAS, OKLAHOMA & EASTERN RAILROAD CO.

Diverting or Rerouting Traffic

In the opinion of R. D. Pfahler, agent, the Texas, Oklahoma & Eastern Railroad Co., because of damage to a bridge at Valliant, Okla., is unable to transport traffic routed over its line.

It is ordered, That:

(a) Rerouting traffic: The Texas, Oklahoma & Eastern Railroad Co., and its connections being unable to transport traffic routed over its line because of damage to bridge at Valliant, Okla., is hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry

a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 3 p.m., November 26, 1965.

(g) Expiration date. This order shall expire at 11:59 p.m., December 10, 1965, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 26, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-12903; Filed, Dec. 1, 1965; 8:49 a.m.]

[3d Rev. S.O. 562; Pfahler's I.C.C. Order 195; Amdt. 1]

DULUTH, WINNIPEG AND PACIFIC RAILWAY CO.

Diverting or Rerouting of Traffic

Upon further consideration of Pfahler's I.C.C. Order No. 195 and good cause appearing therefor:

It is ordered, That:

Pfahler's I.C.C. Order No. 195 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., December 15, 1965, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1965, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 29, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-12902; Filed, Dec. 1, 1965; 8:49 a.m.]

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