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FEDERAL REGISTER

VOLUME 29 NUMBER 235

Washington, Thursday, December 3, 1964

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Rules and Regulations

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS

The following amendments are made to Chapter I of Title 39:

PART 16—SECOND CLASS BULK MAILINGS

I. In § 16.3 *Mailing,* make the following changes:

1. In paragraph (d)(3) amend the label form to read as follows:

PHILADELPHIA, PA., 191
Fr. Progress, Boston, Mass., 021

2. In paragraph (d)(4) amend the label form to read as follows:

DENVER, COLO. TERM. ANNEX, 802
KANSAS
Fr. The Star, Fresno, Calif., 937

3. In paragraph (d)(5) amend the example to read as follows:

CHICAGO, ILL. DIS., 606
MIXED STATES
Fr. Fair, Chicago, Ill., 606

4. Amend paragraph (d)(8) to read as follows:

(8) *Unauthorized labels.* Sacks with unauthorized labels, tags, or markings are not acceptable for dispatch.

5. In paragraph (e)(3) amend the label form appearing under the parenthetical instructions to read as follows:

PCC SAN FRANCISCO, CALIF., 962
APO 165
Fr. The Recorder, New York, N.Y., 100

6. In paragraph (e)(4) amend the label form appearing under the parenthetical instructions to read as follows:

PCC NEW YORK, N.Y., 110
APO Mail
Fr. The Recorder, New York, N.Y., 100

NOTE: The corresponding Postal Manual sections are 126.34 and 126.35.

II. In § 16.4 *Newspaper treatment,* make the following changes in paragraph (b):

(1) Amend the label in subparagraph (1) to read as follows:

CINCINNATI, OHIO, 452
Newspapers Via Pitts and St Lou Train, 77
Fr The Register, Columbus, Ohio, 432

1. Amend the label in subparagraph (2) to read as follows:

PITTS & ST LOU TR, 32
Pa. Newspapers
Fr The Register, Columbus, Ohio, 432

NOTE: The corresponding Postal Manual section is 126.42.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351–4370, 4421, 4422)

PART 22—SECOND CLASS

In § 22.2 *Qualifications for second-class privileges,* 29 F.R. 563, amend paragraph (e)(6) to read as follows:

(6) Name of known office of publication, including ZIP code, and street and number when there is letter-carrier service, must be printed in a position or in a style and size of type or with a designation that will make it clearly distinguishable from the names of other offices of the publication. When there is no post office at the place where published, the name of the post office where mailed must be shown as the office of publication. Addresses in mastheads and date lines must be printed so they will clearly show where change of address notices, undeliverable copies, orders for subscriptions, and other mail items are to be sent. See § 16.2(f) of this chapter.

NOTE: The corresponding Postal Manual section is 132.25f.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351–4370)

PART 24—THIRD CLASS

In § 24.4 *Preparation—payment of postage,* make the following changes:

1. Subdivision (i) of paragraph (b)(5) is amended to read as follows:

(i) *Direct package.* When there are 10 or more pieces for any one post office (or station or branch if its name forms part of the address), all addresses must be faced one way except the last which must be reversed to expose its address on the outside of the package. Direct packages should not be labeled except when separations are made to delivery zones within a city. Each package containing mail for a single delivery unit should be labeled to show the name of the post office and should be marked *All for ZIP Code No. _____.* The name of the post office may be omitted from the label of ZIP Code direct packages when the mailer includes all such packages in direct sacks. See subparagraph (6) of this paragraph.

2. In paragraph (b)(6) make the following changes:

a. In subdivision (i) amend the label to read as follows:

PHILADELPHIA, PA., 191
CIRCS.
Fr. Jay Mailing Co., Cincinnati, Ohio, 452

b. In subdivision (ii)(*a*) amend the label to read as follows:

COUNCIL BLUFFS, IOWA TERM, 515
Calif. CIRCS. Direct
Fr. D.C. Mailers, Washington, D.C., 200

c. In subdivision (ii)(*b*) amend the label to read as follows:

OGDEN, UTAH TERM, 843
CALIF. CIRCS.
Fr. D.C. Mailers, Washington, D.C., 200

d. Subdivision (v) is amended to read as follows:

(v) *Unauthorized labels.* Sacks with unauthorized labels, tags, or markings are not acceptable for dispatch.

NOTE: The corresponding Postal Manual sections are 134.425 and 134.426.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4451–4453)

PART 61—MONEY ORDERS

In § 61.2 *Issuance of international money orders,* make the following changes:

1. Amend paragraph (b)(2) to read as follows:

(2) Purchasers must complete Form 6083, *Supplemental International Money Order Advice,* written in the foreign language, if possible, when they send money orders payable in Greece, Lebanon, Syria, Yugoslavia, and Japan.

2. In paragraph (h) make the following changes:

a. In the listing of foreign countries add footnote number 2 to Japan, Lebanon, Greece, and Yugoslavia.

b. Strike out the present text of footnote 2, and insert in lieu thereof the following:

[2] Money orders to be accompanied by Form 6083, *Supplemental International Money Order Advice.* See paragraph (d)(2)(iii) of this section.

NOTE: The corresponding Postal Manual sections are 171.222 and 171.28.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 506, 507, 5101–5105)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64–12344; Filed, Dec. 2, 1964; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIER BY MOTOR VEHICLE

[Ex Parte MC–19]

PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Motor Common Carriers of Household Goods; Postponement of Effective Date

Upon consideration of the record in the above-entitled proceeding; and good cause appearing therefor:

It is ordered, That the effective date of the order of May 6, 1964 (29 F.R. 7390, 9711, and 14173), in said proceeding be, and it is hereby, postponed to December 30, 1964.

Dated at Washington, D.C., this 20th day of November A.D. 1964.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64–12370; Filed, Dec. 2, 1964; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

A new Part 101–47 is added to Chapter 101 of Title 41 of the Code of Federal Regulations, reading as follows:

AUTHORITY: The provisions of this Part 101–47 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101–47.000 Scope of part.

This part prescribes the policies and methods governing the utilization and disposal of excess and surplus real property and related personal property within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

Subpart 101–47.1—General Provisions

§ 101–47.100 Scope of subpart.

This subpart sets forth the applicability of this Part 101–47, and other introductory information.

§ 101–47.101 Applicability.

The provisions of this Part 101–47 apply to all Federal agencies, except as may otherwise be specifically provided under each section or subpart.

§ 101–47.102 [Reserved]

§ 101–47.103 Definitions.

As used throughout this Part 101–47, the following terms shall have the meanings as set forth in this Subpart 101–47.1.

§ 101–47.103–1 Act.

The Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

§ 101–47.103–2 GSA.

The General Services Administration, acting by or through the Administrator of General Services, or a designated official to whom functions under this Part 101–47 have been delegated by the Administrator of General Services.

§ 101–47.103–3 Airport.

Any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

§ 101–47.103–4 Chapel.

Any Government-owned building and improvements, including surplus fixtures or furnishings therein, related or essential to the religious activities and services for which the building is to be used and maintained, was designed for and used, or was intended to be used.

§ 101–47.103–5 Decontamination.

The complete removal or destruction by flashing of explosive powders; the neutralizing and cleaning-out of acid and corrosive materials; the removal, destruction, or neutralizing of toxic or infectious substances; and the complete removal and destruction by burning or detonation of live ammunition from contaminated areas and buildings.

§ 101–47.103–6 Disposal agency.

The executive agency designated by the Administrator of General Services to dispose of surplus real property.

§ 101–47.103–7 Holding agency.

The Federal agency which has accountability for the property involved.

§ 101–47.103–8 Industrial property.

Any real property and related personal property which has been used or which is suitable to be used for manufacturing, fabricating, or processing of products; mining operations; construction or repair of ships and other waterborne carriers; power transmission facilities; railroad facilities; and pipeline facilities for transporting petroleum or gas.

§ 101–47.103–9 Landing area.

Any land or combination of water and land, together with improvements thereon and necessary operational equipment used in connection therewith, which is used for landing, takeoff, and parking of aircraft. The term includes, but is not limited to, runways, strips, taxiways, and parking aprons.

§ 101–47.103–10 Management.

The safeguarding of the Government's interest in property, in an efficient and economical manner consistent with the best business practices.

§ 101–47.103–11 Protection.

The provisions of adequate measures for prevention and extinguishment of fires, special inspections to determine and eliminate fire and other hazards, and necessary guards to protect property against thievery, vandalism, and unauthorized entry.

§ 101–47.103–12 Real property.

(a) Any interest in land (including improvements of any kind, structures, and fixtures located on the premises), and appurtenances thereto, under the control of any Federal agency, except:

(1) The public domain;

(2) Lands reserved or dedicated for national forest or national park purposes;

(3) Minerals in lands or portions of lands withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws;

(4) Lands withdrawn or reserved from the public domain but not including lands or portions of lands so withdrawn or reserved which the Secretary of the Interior, with the concurrence of the Administrator of General Services, determines are not suitable for return to the public domain for disposition under the general public land laws because such lands are substantially changed in character by improvements or otherwise; and

(5) Crops, gravel, sand, stone, and timber when designated by such agency for removal from the land.

(b) Improvements of any kind, structures, and fixtures under the control of any Federal agency when designated by such agency for disposition without the underlying land (including such as may be located on the public domain, or lands withdrawn or reserved from the public domain, or lands reserved or dedicated for national forest or national park purposes, or on lands that are not owned by the United States) excluding, however, prefabricated movable structures, such as Butler-type storage warehouses and quonset huts, and housetrailers (with or without undercarriages).

§ 101–47.103–13 Related personal property.

Any personal property:

(a) Which is located on, or is an integral part of, real property, or used or useful in connection with such property or the productive capacity thereof; or

(b) Determined by the Administrator of General Services to be otherwise related to the real property.

§ 101–47.103–14 Other terms defined in the Act.

Other terms which are defined in the Act shall have the meanings given them by such Act.

§ 101–47.103–15 Other terms.

Other terms not applicable throughout this part are defined in the sections or subparts to which they apply.

Subpart 101–47.2—Utilization of Excess Real Property

§ 101–47.200 Scope of subpart.

This subpart prescribes the policies and methods governing the reporting by executive agencies and utilization by Federal agencies of excess real property, including related personal property, within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. This subpart does not apply to the abandonment, destruction, or donation to public bodies, under section 202(h) of the Act (covered by Subpart 101–47.5).

§ 101–47.201 General provisions of subpart.

§ 101–47.201–1 Policy.

It is the policy of the Administrator of General Services:

(a) To stimulate the identification and reporting by executive agencies of excess real property consistent with the objective expressed in the Bureau of the Budget Circular No. A–2 (see § 101–47.4908).

(b) To achieve the maximum utilization by executive agencies, in terms of economy and efficiency, of excess real property in order to minimize expenditures for the purchase of real property.

(c) To provide for the transfer of excess real property among Federal agencies, to mixed-ownership Government corporations, and to the municipal government of the District of Columbia.

§ 101–47.201–2 Policy guidelines.

(a) Each executive agency shall:

(1) Continuously survey real property under its control (including property assigned on a permit basis to other Federal agencies, or outleased to States, local governments, other public bodies, or private interests) to determine that which is excess property;

(2) Maintain its inventory of real property at the absolute minimum consistent with economical and efficient conduct of the affairs of the agency; and

(3) Promptly report to GSA real property which it has determined to be excess.

(b) Each executive agency shall, so far as practicable, pursuant to the provisions of this subpart, fulfill its needs for real property by utilization of excess real property.

(c) To preclude the acquisition by purchase of real property, when excess or surplus property of another Federal agency may be available which would meet the need, each executive agency shall notify GSA of its needs and ascertain whether any such property is available.

(d) In every case of a proposed transfer of excess real property, the paramount consideration shall be the validity and appropriateness of the requirement upon which the proposal is based.

(1) A proposed transfer should not establish a new program of an executive agency which has never been reflected in any previous budget submission or congressional action; nor should it substantially increase the level of an agency's existing programs beyond that which has been contemplated in the President's budget or by the Congress.

(2) Before requesting a transfer of excess real property, an executive agency should:

(i) Screen the holdings of the bureaus, or other organizations, within the agency to determine whether any property under the control of the agency, which is not being utilized, in whole or in part, might be available for the proposed need; and

(ii) Review all real property under its accountability which it has assigned on a permit basis to other Federal agencies, or outleased to States, local governments, other public bodies, or private interests and terminate the permit or lease for any property, or portion thereof, that is suitable for the proposed need whenever such termination is not prohibited by the terms of the permit or lease.

(3) Property found to be available under § 101–47.201–2(d)(2) (i) or (ii), should be utilized for the proposed need in lieu of requesting a transfer of excess real property. Reassignments of such property within the agency should be made in appropriate cases.

(4) The appraised fair market value of the excess real property proposed for transfer should not substantially exceed the probable purchase price of other real property which would be suitable for the intended purpose.

(5) The size and quantity of excess real property to be transferred should be limited to the actual requirements. Other portions of an excess installation which can be separated should be withheld from transfer and made available for disposal to other agencies or to the public.

(6) Consideration should be given to the design, layout, geographic location, age, state of repair, and expected maintenance costs of excess real property proposed for transfer. It should be clearly demonstrated that the transfer will prove more economical over a sustained period of time than acquisition of a new facility specifically planned for the purpose.

(7) Excess real property should not be permanently transferred to agencies for programs which appear to be scheduled for substantial curtailment or termination. In such cases, the property may be temporarily transferred on a conditional basis, with an understanding that the property will be released for further Federal utilization or disposal as surplus property, at a time agreed upon when the transfer is arranged (see § 101–47.203–8).

(e) Excess real property of a type which may be used for office, storage, and related purposes normally will be assigned by, or at the direction of, GSA for use to the requesting agency in lieu of being transferred to the agency.

(f) Federal agencies which normally do not require real property, other than for office, storage, and related purposes, or which may not have statutory authority to acquire such property, may obtain the use of excess real property for an approved program when authorized by GSA.

§ 101–47.201–3 Lands withdrawn or reserved from the public domain.

(a) Agencies holding lands withdrawn or reserved from the public domain, which they no longer need, shall send to the GSA regional office for the region in which the lands are located an information copy of each notice of intention to relinquish filed with the Department of the Interior (43 CFR 2312.0–1, et seq.).

(b) Section 101–47.202–6 prescribes the procedure for reporting to GSA as excess property, certain lands or portions of lands withdrawn or reserved from the public domain for which such notices have been filed with the Department of the Interior.

§ 101–47.201–4 Transfers under other laws.

Pursuant to section 602(c) of the Act, transfers of real property shall not be made under other laws, but shall be made only in strict accordance with the provisions of this subpart unless the Administrator of General Services, upon written application by the disposal agency, shall determine in each case that the provisions of any such other law, pursuant to which a transfer is proposed to be made, are not inconsistent with the authority conferred by this Act. The provisions of this section shall not apply to transfers of real property authorized to be made by section 602(d) of the Act or by any special statute which directs or requires an executive agency named therein to transfer or convey specifically described real property in accordance with the provisions of such statute.

§ 101–47.202 Reporting of excess real property.

§ 101–47.202–1 Reporting requirements.

Each executive agency shall report to GSA, pursuant to the provisions of this section, all excess real property except as provided in § 101–47.202–4. Reports of excess real property shall be based on the agency's official real property records and accounts.

(a) All excess related personal property shall be reported as a part of the same report covering the excess real property.

(b) Upon request of the Administrator of General Services, executive agencies shall institute specific surveys to determine that portion of real property, including unimproved property, under their control which might be excess and suitable for office, storage, and related facilities, and shall report promptly to the Administrator of General Services as soon as each survey is completed.

§ 101–47.202–2 Report forms.

Reports of excess real property and related personal property shall be prepared on Standard Form 118, Report of Excess Real Property (see § 101–47.4902), and accompanying Standard Form 118a, Buildings Structures, Utilities, and Miscellaneous Facilities, Schedule A (§ 101–47.4902–1); Standard Form 118b, Land, Schedule B (see § 101–47.4902–2); and Standard Form 118c, Related Personal Property, Schedule C (see § 101–47.4902–3). Instructions for the preparation of Standard Forms 118, 118a, 118b, and 118c are set forth in § 101–47.4902–4.

(a) Property for which the holding agency is designated as the disposal agency under the provisions of § 101–47.302–2 and which is required to be reported to GSA under the provisions of this section shall be reported on Standard Form 118, without the accompanying Schedules A, B, and C, unless the holding agency requests GSA to act as disposal agency and a statement to that effect is inserted in Block 18, Remarks, of Standard Form 118.

(b) In all cases where Government-owned land is reported, there shall be attached to and made a part of Standard Form 118 (original and copies thereof) a report prepared by a qualified employee of the holding agency on the Government's title to the property based upon his review of the records of the agency. The report shall recite:

(1) The description of the property.

(2) The date title vested in the United States.

(3) All exceptions, reservations, conditions, and restrictions, relating to the title acquired.

(4) Detailed information concerning any action, thing, or circumstance that occurred from the date of the acquisition of the property by the United States to the date of the report which in any way affected or may have affected the right, title, and interest of the United States in and to the real property (together with copies of such legal comments or opinions as may be contained in the file concerning the manner in which and the extent to which such right, title, or interest may have been affected). In the absence of any such action, thing, or circumstance, a statement to that effect shall be made a part of the report.

(5) The status of civil and criminal jurisdiction over the land that is peculiar to the property by reason of it being Government-owned land. In the absence of any special circumstances, a statement to that effect shall be made a part of the report.

(c) There shall be transmitted with Standard Form 118:

(1) A legible, reproducible copy of all instruments in possession of the agency which affect the right, title, or interest of the United States in the property reported or the use and operation of such property (including agreements covering and licenses to use, any patents, processes, techniques, or inventions). In cases where the agency considers it to be impracticable to transmit the abstracts of title and related title evidence, such documents need not be transmitted; however, the name and address of the custodian of such documents shall be stated in the title report referred to in § 101–47.202–2(b) and they shall be furnished if requested by GSA; and

(2) Any appraisal reports in the possession of the holding agency of the fair market value or the fair annual rental of the property reported.

§ 101–47.202–3 Submission of reports.

Reports of excess shall be filed with the regional office of GSA for the region in which the excess property is located, as follows:

(a) Government-owned real property and related personal property shall be reported by the holding agencies 90-calendar days in advance of the date such excess property shall become available for transfer to another Federal agency or for disposal. Where the circumstances will not permit excess real property and related personal property to be reported a full 90-calendar days in advance of the date it will be available, the report shall be made as far in advance of such date as possible.

(b) Leasehold interests in real property determined to be excess shall be reported at least 60-calendar days prior to the date on which notice of termination or cancellation is required by the terms of the instrument under which the property is occupied.

(c) All reports submitted by the Department of Defense shall bear the certification "This property has been screened against the known needs of the Department of Defense." All reports submitted by civilian agencies shall bear the certification "This property has been screened against the known needs of the holding agency."

§ 101–47.202–4 Exceptions to reporting.

(a) A holding agency shall not report to GSA leased space assigned to the agency by GSA and determined by the agency to be excess.

(b) Also, except for those instances set forth in § 101–47.202–4(c) a holding agency shall not report to GSA property used, occupied, or controlled by the Government under a lease, permit, license, easement, or similar instrument when:

(1) The lease or other instrument is subject to termination by the grantor or owner of the premises within nine months;

(2) The remaining term of the lease or other instrument, including renewal rights, will provide for less than nine months of use and occupancy;

(3) The term of the lease or other instrument would preclude transfer to, or use by, another Federal agency or disposal to a third party; or

(4) The lease or other instrument provides for use and occupancy of space for office, storage, and related facilities, which does not exceed a total of 2,500 sq. feet.

(c) Property, which otherwise would not be reported because it falls within the exceptions set forth in § 101–47.202–4 (b) shall be reported:

(1) If there are Government-owned improvements located on the premises; or

(2) If the continued use, occupancy, or control of the property by the Government is needful for the operation, production, or maintenance of other property owned or controlled by the Government that has been reported excess or is required to be reported to GSA under the provisions of this section.

§ 101–47.202–5 Reporting after submissions to the Congress.

Reports of excess covering property of the military departments and of the Office of Emergency Planning prepared after the expiration of 30 days from the date upon which a report of the facts concerning the reporting of such property was submitted to the Committees on Armed Services of the Senate and House of Representatives, 10 U.S.C. 2662 and the Act of August 10, 1956, 70A Stat. 636, as amended (50 U.S.C. App. 2285), shall contain a statement that the requirements of the statute have been met.

§ 101–47.202–6 Reports involving the public domain.

(a) Agencies holding land withdrawn or reserved from the public domain which they no longer need, shall report on Standard Form 118, with appropriate Schedules A, B, and C, land or portions of land so withdrawn or reserved and the improvements thereon, if any, to the regional office of GSA for the region in which the lands are located when the agency has:

(1) Filed a notice of intention to relinquish with the Department of the Interior and sent a copy of the notice to the regional office of GSA (§ 101–47.201–3);

(2) Been notified by the Department of the Interior that the Secretary of the Interior, with the concurrence of the Administrator of General Services, has determined the lands are not suitable for return to the public domain for disposition under the general public land laws because the lands are substantially changed in character by improvements or otherwise; and

(3) Obtained from the Department of the Interior a report as to whether any agency (other than the holding agency) claims primary, joint, or secondary jurisdiction over the lands and whether the Department's records show the lands to be encumbered with any existing valid rights or privileges under the public land laws.

(b) Should the Department of the Interior determine that minerals in the lands are not suitable for disposition under the public land mining and mineral leasing laws, the Department will notify the appropriate regional office of GSA of such determination and will authorize the holding agency to include the minerals in its report to GSA.

(c) When reporting the property to GSA, a true copy of the notification (§ 101–47.202–6(a)(2)) and report (§ 101–47.202–6(a)(3)) shall be submitted as a part of the holding agency's report on the Government's legal title which shall accompany Standard Form 118.

§ 101–47.202–7 Reports involving contaminated property.

Any report of excess covering property which in its present condition is dangerous or hazardous to health and safety, shall state the extent of such contamination, the plans for decontamination, and the extent to which the property may be used without further decontamination.

§ 101–47.202–8 Notice of receipt.

GSA shall promptly notify the holding agency of the date of receipt of each Report of Excess Real Property (Standard Form 118).

§ 101–47.202–9 Expense of care and handling.

In each case where the provisions of § 101–47.402–2 relating to the expense of physical care, handling, protection, maintenance, and repairs are applicable to the property reported, the notice provided in § 101–47.202–8 shall also inform the holding agency that the provisions of § 101–47.402–2 became effective as of the date of the receipt of the report.

§ 101–47.202–10 Examination for acceptability.

Each report of excess shall be reviewed by GSA to ascertain whether the report was prepared in accordance with the provisions of this section. Within fifteen calendar days after receipt of a report, the holding agency shall be informed by letter of the findings of GSA.

(a) Where it is found that a report is adequate to the extent that GSA can proceed with utilization and disposal actions for the property, the report shall be accepted and the holding agency shall be informed of the date of such acceptance. However, the holding agency shall, upon request, promptly furnish such additional information or documents relating to the property as may be required by GSA to accomplish a transfer or a disposal.

(b) Where it is found that a report is insufficient to the extent that GSA would be unable to proceed with any utilization or disposal actions for the property, the report shall be returned and the holding agency shall be informed of the facts and circumstances that required the return of the report. The holding agency promptly shall take such action as may be appropriate to submit an acceptable report to GSA. Should the holding agency be unable to submit an acceptable report, the property shall be removed from under the provisions of § 101–47.402–2.

§ 101–47.203 Utilization.

§ 101–47.203–1 Reassignment of real property by the agencies.

Each executive agency shall, as far as practicable and within the policies expressed in this Subpart 101–47.2 and in Bureau of the Budget Circular No. A–2 (see § 101–47.4908), make reassignments of real property and related personal property under its control and jurisdiction among activities within the agency in lieu of acquiring such property from other sources.

§ 101–47.203–2 Transfer and utilization.

Each executive agency shall, as far as practicable and within the policies expressed in this Subpart 101–47.2 and in Bureau of the Budget Circular No. A–2, transfer excess real property under its control to other Federal agencies and to the organizations specified in § 101–47.203–7, and fulfill its requirements for real property by obtaining excess real property from other Federal agencies. Transfers of property shall be made in accordance with the provisions of this subpart.

§ 101–47.203–3 Notification of agency requirements.

Each executive agency shall notify the proper GSA regional office, in writing, whenever real property is needed for an authorized program of the agency. The notice shall state the land area of the property needed, the preferred location or suitable alternate locations, and describe the type of property needed in sufficient detail to enable GSA to review its records of property that it knows will be reported excess by holding agencies, its inventory of excess property, and its inventory of surplus property, to ascertain whether any such property may be suitable for the needs of the agency. The agency shall be promptly informed by the GSA regional office as to whether or not any such property is available.

§ 101–47.203–4 Real property excepted from reporting.

Agencies having transferable excess real property and related personal property in the categories excepted from reporting by § 101–47.202–4 shall, before disposal, satisfy themselves in a manner consistent with the provisions of this section that such property is not needed by other Government agencies.

§ 101–47.203–5 Screening of excess real property.

Excess real property and related personal property reported by executive agencies shall, unless such screening is waived, be screened by GSA for utilization by Federal real property holding agencies (listed in § 101–47.4907), which may reasonably be expected to have use for the property as follows:

(a) Notices of availability shall be submitted to each such agency which shall, within 30 days from the date of notice, advise GSA if there is a firm requirement or a tentative requirement for the property.

(1) In the event a tentative requirement exists, the agency shall, within an additional 30 days, advise GSA if there is a firm requirement.

(2) Within 60 days after advice to GSA that a firm requirement exists, the agency shall furnish GSA a request for transfer of the property pursuant to § 101–47.203–7.

(b) Notices of availability for information of the Secretary of Health, Education, and Welfare in connection with the exercise of the authority vested in him under the provisions of section 203 (k)(1) of the Act and for information of the Secretary of the Interior in connection with a possible determination under the provisions of section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)), shall be sent to the offices designated by the Secretaries to serve the areas in which the properties are located. (See §§ 101–47.4912 and 101–47.4914.) With the prior consent of GSA, on a case-by-case basis, the Department of Health, Education, and Welfare may initiate screening for potential educational or public health applicants for property described in any such notice, or with such consent may develop a known potential educational or public health need, conditioned upon the property being determined surplus to Federal requirements and available for assignment to the Secretary for disposal for educational or public health purposes in the event it is so determined surplus. Also, with the prior approval of GSA, on a case-by-case basis, and subject to the same conditions set for the Department of Health, Education, and Welfare, the Bureau of Outdoor Recreation, Department of the Interior, may apprise eligible local public agencies of excess property peculiarly adaptable for use for public park, public recreation, or historic monument purposes.

§ 101–47.203–6 Prefabricated movable structures and trailers.

Prefabricated movable structures such as Butler-type storage warehouses, quonset huts, and housetrailers (with or without undercarriages) reported to GSA with the land on which they are located may, in the discretion of GSA, be designated for disposition as personal property for off-site use.

§ 101–47.203–7 Transfers.

(a) The agency requesting transfer of excess real property and related personal property reported to GSA shall prepare and submit to the proper GSA regional office, GSA Form 1334, Request for Transfer of Excess Real Property and Related Personal Property (§ 101–47.4904). Instructions for the preparation of GSA Form 1334 are set forth in § 101–47.4904–1.

(b) Upon determination by GSA, with the concurrence of the Bureau of the Budget when required (see § 101–47.203–7(c)), that a transfer of the property requested is in the best interest of the Government and that the requesting agency is the appropriate agency to hold the property, such transfer may be made among Federal agencies and to mixed-ownership Government corporations, and the municipal government of the District of Columbia.

(c) In the case of transfers involving excess land, which together with any improvements thereon has a total appraised fair market value of $100,000 or more, GSA shall secure the concurrence of the Bureau of the Budget to the transfer.

(d) Transfers of property to executive agencies shall be consistent with the policy of the Administrator of General Services prescribed in § 101–47.201–1 and the policy guidelines prescribed in § 101–47.201–2. In determining whether a proposed transfer should be approved under the policy guidelines, GSA and the Bureau of the Budget may consult informally to obtain all available data concerning actual program needs for the property.

(e) GSA will execute or authorize all approved transfers to the requesting agency of property reported to GSA. Agencies may transfer without reference to GSA excess real property which is not reported to GSA under the provisions of § 101–47.202–4(b) (1), (2), and (4). However, such transfers shall be made in accordance with the principles set forth in this section.

(f) Pursuant to an agreement between the Director, Bureau of the Budget, and the Administrator of General Services, reimbursement for transfers of excess real property is prescribed as follows:

(1) Where the transferor agency has requested the net proceeds of the transfer pursuant to section 204(c) of the Act, or where either the transferor or transferee agency (or organizational unit affected) is subject to the Government Corporation Control Act (31 U.S.C. 841) or is a mixed-ownership Government corporation, or the municipal government of the District of Columbia, reimbursement for the transfer shall be an amount equal to the appraised fair market value of the property requested: *Provided*, That where the transferor agency is a wholly owned Government corporation, the reimbursement shall be either an amount equal to the appraised fair market value of the property requested or the corporation's book value thereof, as may be agreed upon by GSA and the corporation.

(2) Reimbursement in all other transfers of excess real property shall be:

(i) In an amount equal to 50 percent of the appraised fair market value of the property requested, or if the transfer is for the purpose of upgrading facilities (i.e., for the purpose of replacing other property of the transferee agency which because of the location, nature, or condition thereof, is less efficient for use), the reimbursement shall be an amount equal to 50 percent of the difference between the appraised fair market value of the property to be replaced and the appraised fair market value of the property requested; or

(ii) Without reimbursement when the transfer is to be made under any one of the following conditions:

(A) The transferee agency clearly demonstrates that it cannot furnish the required reimbursement without obtaining an additional appropriation for that specific purpose.

(B) The transferee agency demonstrates that reimbursement could be made only by diverting funds which were justified to Congress to be used for some other purpose.

(C) The Congress appropriated funds for the transferee agency's program with the understanding that the transfer would be made without reimbursement.

(D) Congress has specifically authorized the transfer without reimbursement.

(E) The excess real property is to be transferred to the Department of Agriculture, is within the exterior boundaries of, and is suitable for addition to a national forest, and the Administrator of General Services determines that such property is available for that purpose.

(iii) A transfer without reimbursement, based on § 101–47.203–7(f)(2)(ii)(A), (B), or (C), shall be supported by a written certification by the head of the transferee agency or military department, or his designee (not below departmental level), with regard to those matters, and in the case of (A) and (B) documented with appropriate financial statements, and in the case of (C) include appropriate citations to congressional hearings, reports, etc. A transfer based on (D) shall be supported by appropriate statutory citations. A transfer based on (E) shall be supported by appropriate maps and land descriptions concerning the exterior boundaries of the national forest in relationship to the property proposed for transfer and the authority or order establishing the national forest. The above required data and documents shall be attached to GSA Form 1334 by the transferee agency on submission of that form to GSA.

(g) Excess property may be transferred to the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction, pursuant to the provisions of section 602(e) of the Act. The amount of reimbursement for such transfer shall

be the same as would be required for a transfer of excess property to an executive agency under similar circumstances.

§ 101–47.203–8 Temporary utilization.

(a) Whenever GSA determines that the temporary assignment or reassignment to a Federal agency of any space in excess real property for office, storage, or related facilities would be more advantageous than the permanent transfer of the property to a Federal agency, it will execute or authorize such assignment or reassignment for such period of time as it shall determine. The agency to which the space is made available shall make appropriate reimbursement for the expense of maintaining such space in the absence of appropriation available to GSA therefor.

(b) GSA may approve the temporary assignment or reassignment to a Federal agency of excess real property other than space for office, storage, or related facilities whenever such action would be in the best interest of the Government. In such cases, the agency to which the property is made available may be required to pay a rental or users charge based upon the fair value of such property, as determined by GSA. Where such property will be required by the agency for a period of more than 1 year, it may be transferred on a conditional basis, with an understanding that the property will be reported excess at a time agreed upon when the transfer is arranged (see § 101–47.201–2(d)(7)).

§ 101–47.203–9 Non-Federal interim use of property.

The holding agency may, with the approval of GSA, grant rights for non-Federal interim use of excess property reported to GSA, or portions thereof, when it is determined that such interim use is not required for the needs of any Federal agency.

§ 101–47.203–10 Withdrawals.

Subject to the approval of GSA, reports of excess real property and related personal property may be withdrawn in whole or in part by the reporting agency at any time prior to transfer to another Federal agency or prior to the execution of a legally binding agreement for disposal as surplus property. Requests for withdrawals shall be addressed to the GSA regional office where the report of excess real property was filed.

§ 101–47.204 Determination of surplus.

§ 101–47.204–1 Reported property.

Any real property and related personal property reported excess under this Subpart 101–47.2 which has been screened for needs of Federal agencies or waived from such screening by GSA, and not been designated by GSA for utilization by a Federal agency, shall be subject to determination as surplus property by GSA.

(a) The holding agency, the Secretary of Health, Education, and Welfare, and the Secretary of the Interior shall be notified of the date upon which determination as surplus becomes effective.

(b) The notices to the Secretaries of Health, Education, and Welfare and the Interior shall be sent to the offices designated by them to serve the area in which the property is located. (See §§ 101–47.4910 and 101–47.4912.)

(c) With regard to surplus property which GSA predetermines will not be available for assignment to the Secretary for disposal for an educational or public health purpose under a statute cited in § 101–47.4905, or whenever the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act, the notice shall contain advice of such determination or request for reimbursement. The Department of Health, Education, and Welfare shall not screen for potential educational or public health applicants for any such property. Similarly, the notice to the Department of the Interior shall contain such determination or request whenever GSA predetermines that the property will not be available for transfer for use as a public park, public recreational area, or historic monument, or whenever the holding agency has requested reimbursement.

§ 101–47.204–2 Property excepted from reporting.

Any property not reported to GSA due to § 101–47.202–4, and not designated by the holding agency for utilization by other agencies pursuant to the provisions of this Subpart 101–47.2, shall be subject to determination as surplus by the holding agency.

Subpart 101–47.3—Surplus Real Property Disposal

§ 101–47.300 Scope of subpart.

This subpart prescribes the policies and methods governing the disposal of surplus real property and related personal property within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. This subpart does not apply to the abandonment, destruction, or donation to public bodies, under section 202(h) of the Act (covered by Subpart 101–47.5).

§ 101–47.301 General provisions of subpart.

§ 101–47.301–1 Policy.

It is the policy of the Administrator of General Services:

(a) That surplus real property shall be disposed of in the most economical manner consistent with the best interests of the Government.

(b) That credit be extended when justified.

§ 101–47.301–2 Applicability of antitrust laws.

(a) In any case in which there is contemplated a disposal to any private interest of real and related personal property which cost $1,000,000 or more (aggregate amount of the original acquisition cost to the Government and all capital expenditures made by the Government with respect thereto), or of patents, processes, techniques, or inventions, irrespective of cost, the disposal agency shall transmit promptly to the Attorney General notice of any such proposed disposal and the probable terms or conditions thereof, as required by section 207 of the Act, for his advice as to whether the proposed disposal would tend to create or maintain a situation inconsistent with the antitrust laws, and no such real property shall be disposed of until such advice has been received. If such notice is given by any executive agency other than GSA, a copy of the notice shall be transmitted simultaneously to the office of GSA for the region in which the property is located.

(b) Upon request of the Attorney General, GSA or any other executive agency shall furnish or cause to be furnished such information as it may possess which the Attorney General determines to be appropriate or necessary to enable him to give the requested advice or to determine whether any other disposition or proposed disposition of surplus real property violates or would violate any of the antitrust laws.

§ 101–47.301–3 Disposals under other laws.

Pursuant to section 602(c) of the Act, disposals of real property shall not be made under other laws but shall be made only in strict accordance with the provisions of this Subpart 101–47.3 unless the Administrator of General Services, upon written application by the disposal agency, shall determine in each case that the provisions of any such other law, pursuant to which disposal is proposed to be made, are not inconsistent with the authority conferred by this Act. The provisions of this section shall not apply to disposals of real property authorized to be made by section 602(d) of the Act or by any special statute which directs or requires an executive agency named therein to transfer or convey specifically described real property in accordance with the provisions of such statute.

§ 101–47.301–4 Credit disposals and leases.

Where credit is extended in connection with any disposal of surplus property by a disposal agency designated under this Subpart 101–47.3, the head of that agency, or his designee, shall administer and manage such credit, lease, or permit and any security therefor and may enforce, adjust, and settle any right of the Government with respect thereto in such manner and upon such terms as that agency deems to be in the best interest of the Government.

§ 101–47.301–5 Records and reports.

All agencies designated as disposal agencies in § 101–47.302 (except GSA), shall submit to GSA reports on GSA Form 1100, Report of Surplus Real Property Disposals and Inventory (see § 101–47.4903), covering surplus real property and related personal property disposed of pursuant to the authority contained in § 101–47.302 or otherwise delegated by the Administrator of General Services. Reports shall be based on appropriate agency records which shall be maintained

to show full compliance with applicable statutory provisions relating to each disposal action and with the provisions of this Subpart 101–47.3. A disposal action shall be reported when a legally binding agreement is reached on terms and conditions mutually acceptable by an authorized official of the disposal agency and the party to which the disposal is made. Surplus real and related personal properties awaiting disposal as of the end of the reporting period shall be reported as inventory. Instructions for the preparation and submission of GSA Form 1100 are set forth in § 101–47.4903–1.

§ 101–47.302 Designation of disposal agencies.

§ 101–47.302–1 General.

Surplus real property and related personal property shall be disposed of (or assigned to the Secretary of Health, Education, and Welfare for disposal for educational and public health purposes) by the disposal agencies designated in this section in accordance with applicable provisions of this Subpart 101–47.3.

§ 101–47.302–2 Holding agency.

(a) The holding agency is hereby designated as disposal agency for:

(1) Leases, permits, licenses, easements, and similar real estate interests held by the Government in non-Government-owned property (including Government-owned improvements located on the premises), except when the retention of such real estate interests by the Government is needed for the operation, production, or maintenance of other property, owned or controlled by the Government, that has been or is being reported to GSA as excess; and

(2) Fixtures, structures, and improvements of any kind to be disposed of without the underlying land.

(b) GSA may act as the disposal agency for the type of property described in § 101–47.302–2(a) (1) and (2), whenever requested by the holding agency to perform the disposal functions.

§ 101–47.302–3 General Services Administration.

GSA is the disposal agency for all real property and related personal property not covered by the above designations or by disposal authority delegated by the Administrator of General Services in specific instances.

§ 101–47.303 Responsibility of disposal agency.

§ 101–47.303–1 Classification.

Each surplus property, or, if the property is subdivided, each unit of property shall be classified by the disposal agency to determine the methods and conditions applicable to the disposal of the property. Classification shall be according to the estimated highest and best use for the property. The property may be reclassified from time to time by the disposal agency or by GSA whenever such action is deemed appropriate.

§ 101–47.303–2 Disposals to public agencies.

The disposal agency shall allow a reasonable period of time for public agencies (non-Federal) to develop a comprehensive and coordinated plan of use and procurement for surplus real property in which they may be interested. Citations of the statutes authorizing the disposal of property to public agencies, the type of property the public agencies may procure under each such statute, and the public agencies eligible to procure such property are given in § 101–47.4905.

(a) Whenever property is determined to be surplus, the disposal agency shall, on the basis of the information given in § 101–47.4905, list the public agencies eligible under the provisions of the statutes referred to above to procure the property or portions thereof, except that such listing need not be made with respect to:

(1) Any such property when the determination of the property as surplus is conditioned upon disposal limitations which would be inconsistent with disposal under the statutes authorizing disposal to eligible public agencies; or

(2) Any such property having an estimated fair market value of less than $1,000 except where the disposal agency has any reason to believe that an eligible public agency may be interested in the property.

(b) Prior to any public advertising, negotiation, or other disposal action with regard to the property, the disposal agency shall give notice to eligible public agencies that the property has been determined surplus. Such notice shall be prepared following the sample shown in § 101–47.4906, and shall be transmitted by a letter prepared following the sample shown in § 101–47.4906–1.

(1) Where the property is located in a State, the notice shall be given to the Governor of the State, to the county clerk or other appropriate official of the county in which the property is located, to the mayor or other appropriate official of the city or town in which the property is located, and to the head of any other eligible local governmental body known to be interested in the property.

(2) Where the property is located in the District of Columbia, the notice shall be given to the President of the Board of Commissioners.

(3) Where the property is located in the Virgin Islands, the notice shall be given to the Governor of the Virgin Islands.

(4) Where the property is located in the Commonwealth of Puerto Rico, the notice shall be given to the Governor of the Commonwealth of Puerto Rico.

(c) The notice prepared pursuant to § 101–47.303–2(b) shall also be posted in the post office which serves the area in which the property is located and in other prominent places such as the State capitol building, county building, courthouse, town hall, or city hall. The notice to be posted in the post office shall be mailed to the postmaster with a request that it be posted. Arrangements for the posting of the notice in other prominent places shall be as provided for in the transmittal letters (see § 101–47.4906–1) to eligible public agencies.

(d) A copy of each transmittal letter and notice given pursuant to § 101–47.303–2(b) shall be furnished to the proper field office of the Bureau of Outdoor Recreation, Department of the Interior; Federal Aviation Agency; Fish and Wildlife Service, Department of the Interior; or Bureau of Public Roads, Department of Commerce, concerned with the disposals of property to public agencies under the statutes stated in the notice.

(e) In the case of property which may be made available for assignment to the Secretary of Health, Education, and Welfare for disposal for educational or public health purposes under a statute cited in the notice:

(1) The disposal agency shall inform the proper regional office of the Department of Health, Education, and Welfare, listed in § 101–47.4910, three working days in advance of the date the notice will be given to public agencies to permit similar notice to be given simultaneously by the Department to nonprofit institutions which have been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)).

(2) The disposal agency shall furnish the Department with a copy of the postdated transmittal letter addressed to each public agency, twenty-five copies of the postdated notice, and a copy of the holding agency's Report of Excess Real Property (Standard Form 118, with accompanying schedules).

(3) As of the date of the transmittal letter and notice to public agencies, the Department may proceed with its screening functions for any potential educational or public health applicants and thereafter may make its determinations of need and receive applications.

(f) If the disposal agency is not informed within the 20-calendar-day period stated in the notice of the desire of a public agency to develop and submit a comprehensive and coordinated plan of use and procurement for the property, or is not notified by the Department of Health, Education, and Welfare of a potential educational or public health requirement, it shall be assumed that no public agency or nonprofit institution desires to procure the property.

(g) The disposal agency shall promptly review each response of a public agency to the notice given pursuant to § 101–47.303–2(b), and shall determine what constitutes a reasonable period of time to allow the public agency to develop and submit a plan. When making such determination, consideration shall be given to the potential suitability of the property for the use proposed, the length of time the public agency has stated it will require to develop and submit a plan, the protection and maintenance costs to the Government during such length of time, and any other relevant facts and circumstances. Such review and determination shall be coordinated with the

proper regional office of the interested Federal agency listed below:

(1) Bureau of Outdoor Recreation, Department of the Interior.

(2) Department of Health, Education, and Welfare.

(3) Federal Aviation Agency.

(4) Fish and Wildlife Service, Department of the Interior.

(5) Bureau of Public Roads, Department of Commerce.

(h) When a determination has been made as to what constitutes a reasonable period of time to develop and submit a plan, the public agency shall be so notified. The public agency shall be advised of the information required in connection with an application to procure the property and shall be requested to provide such information with its plan.

(i) Upon receipt of the plan of use and procurement for the property, it shall be considered and acted upon in accordance with the provisions of the statute and applicable regulations.

§ 101–47.303–3 Studies.

The disposal agency shall compile from the title documents and related papers appropriate information, for use in disposal actions, regarding all real property and related personal property available for disposal.

§ 101–47.303–4 Appraisal.

(a) Except as otherwise provided in this Subpart 101–47.3, the disposal agency shall in all cases obtain an appraisal of the fair market value, and in appropriate cases the fair annual rental, of property available for disposal.

(b) No appraisal need be obtained in any one of these situations:

(1) The property is classified and is to be disposed of as airport property.

(2) The property is suitable for historic monument purposes and is to be disposed of with the use limited to such purpose to a State, political subdivision, instrumentality thereof, or municipality.

(3) The estimated fair market value of property to be offered on a competitive sale basis does not exceed $2,500.

(c) The disposal agency shall have the property appraised by experienced and qualified persons familiar with the types of property to be appraised by them. Any person engaged to collect or evaluate information pursuant to this subsection shall certify that he has no interest, direct or indirect, in the property which would conflict in any manner with the preparation and submission of an impartial appraisal report.

§ 101–47.304 Advertised and negotiated disposals.

§ 101–47.304–1 Publicity.

(a) The disposal agency shall widely publicize all surplus real property and related personal property which becomes available for disposal hereunder, giving information adequate to inform interested persons of the general nature of the property and its possible uses, as well as any reservations, restrictions, and conditions imposed upon its disposal.

(b) A condensed statement of proposed sales of surplus real property by advertising for competitive bids, except where the estimated fair market value of the property is less than $2,500, shall be prepared and submitted, for inclusion in the U.S. Department of Commerce publication "Commerce Business Daily," to: U.S. Department of Commerce (S-Synopsis), Room 1300, 433 West Van Buren Street, Chicago, Illinois, 60604.

§ 101–47.304–2 Soliciting cooperation of local groups.

The disposal agency may consult with local groups and organizations and solicit their cooperation in giving wide publicity to the proposed disposal of the property.

§ 101–47.304–3 Information to interested persons.

The disposal agency shall, upon request, supply to bona fide potential purchasers and lessees adequate preliminary information, and, with the cooperation of the holding agency where necessary, shall render such assistance to such persons as may enable them, insofar as feasible, to obtain adequate information regarding the property. The disposal agency shall establish procedures so that all persons showing due diligence are given full and complete opportunity to make an offer.

§ 101–47.304–4 Invitation for offers.

The disposal agency shall prepare and furnish to all prospective purchasers or lessees written invitations to make an offer, which shall contain or incorporate by reference all the terms and conditions under which the property is offered for disposal, including all provisions required by statute to be inserted in contracts for disposal of Government property. All terms and conditions of the invitation shall be made a part of the offer. The invitation shall further specify the form of the disposal instrument, which specifications shall be in accordance with the appropriate provisions of §§ 101–47.307–1 and 101–47.307–2.

(a) Where the disposal agency has determined that the sale of specific property on credit terms is justified, the invitation shall provide for submission of offers on the following terms, except that offers to purchase of less than $2,500, shall be for cash—

Purchase price	*Terms of payment*
$2,500 but less than $10,000	Downpayment of not less than 25 percent cash, balance 8 years or less, evidenced by purchaser's note, payable in equal quarter-annual installments (together with interest on unpaid balances at an annual rate of 5 percent) secured by purchase money mortgage or deed of trust on the property, whichever the Government determines to be appropriate.
$10,000 or more	Downpayment of not less than 20 percent cash, balance 10 years or less, evidenced by purchaser's note, payable in equal quarter-annual installments (together with interest on unpaid balances at an annual rate of 5 percent secured by a purchase money mortgage or deed of trust on the property, whichever the Government determines to be appropriate.

(b) Where the disposal agency has determined that an offering of the property on more liberal credit terms is necessary to obtain greater competition in the local market, the invitation may provide for submission of offers on such alternate terms of payment as may be recommended by the disposal agency and approved by the Administrator of General Services. The sale in those cases where the downpayment is less than 20 percent shall, unless otherwise authorized by the Administrator of General Services, be under a land contract which shall provide, in effect, for conveyance of title to the purchaser by quitclaim deed or other form of conveyance in accordance with the appropriate provisions of §§ 101–47.307–1 and 101–47.307–2 upon payment of one-third of the total purchase price with accrued interest, or earlier if the Government so elects, and execution and delivery of purchaser's note and purchase money mortgage (or bond and deed of trust) satisfactory to the Government, to secure payment of the unpaid balance of the purchase price.

(c) The disposal agency may increase the cash downpayment requirement or shorten the period of amortization whenever circumstances warrant and in the case of sales of farms, may provide for payment of the unpaid balance on equal semiannual or annual installment basis.

(d) Where a sale is to be made on credit, the invitation shall provide that the purchaser agrees by appropriate provisions to be incorporated in the disposal instruments that he will not lease (unless the property was offered without leasing restrictions by the Government) or sell the property, or any part thereof or interest therein, without prior written authorization of the Government.

(1) In appropriate cases, except as provided in § 101–47.304–4(d)(2), the invitation shall state that the disposal instrument may include provisions specifically authorizing leasing and/or resale and release of portions of the property as desired by the purchaser, provided that such provisions shall, in the judgment of the Government, be adequate to protect its security for the credit extended to the purchaser.

(2) In the case of timber or mineral lands, or lands containing other saleable products, the invitation shall state that the disposal instrument may specifically provide for granting future partial releases to permit the resale of timber, minerals, and other saleable products, or authorize the leasing of mineral rights, upon payment to the Government

of such amounts as may be required by the Government but not less than the proceeds of any sale or lease less such amounts as may be determined by the Government to represent the cost of the sale or lease.

(3) All payments for such authorizations and/or releases shall, at the option of the Government, be applied against the unpaid balance of the indebtedness in inverse order of its maturity, or upon any delinquent installments of principal and interest, or used for payments of any delinquent taxes or insurance premiums.

(e) Where property is offered for disposal under a land contract or lease, the terms and conditions contained in the invitation shall provide that the purchaser or lessee will be required to pay to the proper taxing authorities or to the disposal agency, as may be directed, all taxes, payments in lieu of taxes (in the event of the existence or subsequent enactment of legislation authorizing such payments), assessments or similar charges which may be assessed or imposed on the property, or upon the occupier thereof, or upon the use or operation of the property and to assume all costs of operating obligations.

(f) Whenever property is offered for sale on credit terms or for lease, the terms and conditions contained in the invitation shall provide that the purchaser or lessee shall procure and maintain at his expense during the term credit is extended, or the period of the lease, such insurance in such amounts as may be required by the Government; required insurance shall be in companies acceptable to the Government and shall include such terms and provisions as may be required to provide coverage satisfactory to the Government.

§ 101–47.304–5 Inspection.

All persons interested in the acquisition of surplus property available for disposal under this Subpart 101–47.3 shall, with the cooperation of the holding agency, where necessary, and with due regard to its program activities, be permitted to make a complete inspection of such property, including any available inventory records, plans, specifications, and engineering reports made in connection therewith, subject to any necessary restrictions in the interest of national security and subject to such rules as may be prescribed by the disposal agency.

§ 101–47.304–6 Submission of offers.

All offers to purchase or lease shall be in writing, accompanied by any required earnest money deposit, using the form prescribed by the disposal agency and, in addition to the financial terms upon which the offer is predicated, shall set forth the willingness of the offeror to abide by the terms, conditions, reservations, and restrictions upon which the property is offered, and shall contain such other information as the disposal agency may request.

§ 101–47.304–7 Advertised disposals.

(a) All disposals or contracts for disposal of surplus property, except as provided in §§ 101–47.304–9 and 101–47.304–10, shall be made after publicly advertising for bids.

(1) The advertising for bids shall be made at such time previous to the disposal or contract, through such methods, and on such terms and conditions as shall permit that full and free competition which is consistent with the value and nature of the property involved. The advertisement shall designate the place to which the bids are to be delivered or mailed, and shall state the place, date, and time of public opening.

(2) All bids shall be publicly disclosed at the time and place stated in the advertisement.

(3) Award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered: *Provided*, That all bids may be rejected when it is in the public interest to do so.

(b) Disposal and contracts for disposal of surplus property may be made through contract auctioneers when authorized by GSA. The auctioneer retained under contract shall be required to publicly advertise for bids in accordance with the applicable provisions of this § 101–47.304–7.

§ 101–47.304–8 Report of identical bids.

(a) Executive Order No. 10936 of April 24, 1961 (26 F.R. 3555; 3 CFR 1959–1963 Comp.), requires executive agencies to report information on identical bids to the Department of Justice. When an invitation for bids for the sale of property results in the submission of identical bids under the conditions set forth in § 101–47.304–8(a) (1), (2), and (3), a copy of the invitation and a copy of the completed abstract of bids, with identical bid prices (other than nominal or token bids) circled, shall be forwarded to the Attorney General (a copy of the report to the Attorney General shall be transmitted simultaneously to the office of GSA for the region in which the property is located) within 20 days following the disposition of all bids received in response to the invitation involved:

(1) Where bids or offers were solicited through the formal sealed bid method of sale;

(2) Where the bid value of the line item(s) on which identical bids were received exceeds $2,500 (based on the apparent high bid received for such line item); and

(3) Where the total bid value of all line items covered by the invitation exceeds $10,000 (based on the apparent high bid received for each line item).

(b) As used in this § 101–47.304–8:

(1) The term "identical bids" means two or more bids received for the same line item of an invitation for bids issued under formal advertising procedures which:

(i) Appear on the face of the bids to be identical as to unit price or total amount; or

(ii) Are found, in the contracting agency's normal process of evaluating bids for award, to be identical as to unit price or total amount.

(2) The term "line item" means each item of property specified in an invitation for bids which, under the terms of the invitation, is susceptible to a separate contract award.

(c) The Attorney General may, from time to time, request such supplemental information as he may deem necessary for effective enforcement of antitrust laws.

(d) The submission of information on identical bids is in addition to and is not to be considered as satisfying the requirements of § 101–47.301–2, for notifying the Attorney General and the Administrator of General Services regarding proposed disposals which might further a situation inconsistent with the antitrust laws.

§ 101–47.304–9 Negotiated disposals.

(a) Disposal agencies shall obtain such competition as is feasible under the circumstances in all negotiations of disposals and contracts for disposal of surplus property. They may dispose of surplus property by negotiation only in the following situations:

(1) When the estimated fair market value of the property involved does not exceed $1,000;

(2) When bid prices after advertising therefor are not reasonable (either as to all or some part of the property) or have not been independently arrived at in open competition;

(3) When the character or conditions of the property or unusual circumstances make it impractical to advertise publicly for competitive bids and the fair market value of the property and other satisfactory terms of disposal can be obtained by negotiation;

(4) When the disposals will be to States, Commonwealth of Puerto Rico, possessions, political subdivisions thereof, or tax-supported agencies therein, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation; or

(5) When negotiation is otherwise authorized by the Act or other law, such as:

(i) Disposals of power transmission lines for public or cooperative power projects (see § 101–47.308–1).

(ii) Disposals for public airport utilization (see § 101–47.308–2).

(iii) Disposals for public parks, recreational areas, or historic monument sites (see § 101–47.308–3).

(b) Appraisal data required pursuant to the provisions of § 101–47.303–4, when needed for the purpose of conducting negotiations under § 101–47.304–9(a), (3), (4), (5)(i), or (5)(iii), except in the case of historic monument sites, shall be obtained under contractual arrangements with experienced and qualified real estate appraisers familiar with the types of property to be appraised by them: *Provided, however*, That in any case where the cost of obtaining such data from a contract appraiser would be out of proportion with the expected

recoverable value of the property, or if for any other reason employing a contract appraiser would not be in the best interest of the Government, the head of the disposal agency, or his designee, should authorize such other method of obtaining an estimate of the fair market value of the property, or the fair annual rental, as he may deem to be proper.

§ 101–47.304–10 Disposals by brokers.

Disposals and contracts for disposal of surplus property through contract realty brokers, where authorized by GSA, shall be made in the manner followed in similar commercial transactions. Realty brokers retained under contracts shall be required to give wide public notice of availability of the property for disposal.

§ 101–47.304–11 Documenting determinations to negotiate.

The disposal agency shall document the factors leading to and the determination justifying disposal by negotiation of any surplus property under §§ 101–47.304–9 and 101–47.304–10, and shall retain such documentation in the files of the agency.

§ 101–47.304–12 Explanatory statements.

(a) Subject to the exceptions stated in § 101–47.304–12(b), the disposal agency shall prepare an explanatory statement, as required by section 203(e)(6) of the Act, of the circumstances of each proposed disposal by negotiation.

(b) No explanatory statement need be prepared for:

(1) A disposal of property having a fair market value of $1,000 or less; and

(2) A disposal of property authorized to be disposed of without advertising by any provision of law other than section 203(e) of the Act.

(c) An outline for the preparation of the explanatory statement is shown in § 101–47.4911. The explanatory statement shall be mimeograph or similar type process and a copy thereof shall be preserved in the files of the disposal agency.

(d) Each explanatory statement when prepared shall be submitted to the Administrator of General Services for review and transmittal by the Administrator of General Services by letters to the Committees on Government Operations and any other appropriate committees of the Senate and House of Representatives. The submission to the Administrator of General Services shall include such supporting data as may be relevant and necessary for evaluating the proposed action and 20 copies of the duplicated explanatory statement.

(e) Copies of the Administrator of General Services' transmittal letters to the committees of the Congress, § 101–47.304–12(d), will be furnished to the disposal agency.

(f) In the absence of adverse comment by an appropriate committee or subcommittee of the Congress on the proposed negotiated disposal, the disposal agency may consummate the sale on or after 35 days from the date of the Administrator of General Services letters transmitting the explanatory statement to the committees.

§ 101–47.305 Acceptance of offers.

§ 101–47.305–1 General.

(a) When the head of the disposal agency or his designee determines that bid prices (either as to all or some part of the property) received after advertising therefor or received in response to the action authorized in paragraph (b) of this § 101–47.305–1, are reasonable, i.e., commensurate with the fair market value of the property, and were independently arrived at in open competition, award shall be made with reasonable promptness by notice to the bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered. Any or all offers may be rejected when the head of the disposal agency or his designee determines it is in the public interest to do so.

(b) Where the advertising does not result in the receipt of a bid at a price commensurate with the fair market value of the property, the highest bidder may, at the discretion of the head of the disposal agency or his designee and upon determination of responsiveness and bidder responsibility, be afforded an opportunity to increase his offered price. The bidder shall be given a reasonable period of time, not to exceed five working days, to respond. At the time the bidder is afforded an opportunity to increase his bid, all other bids shall be rejected and bid deposits returned. Any sale at a price so increased may be concluded without regard to the provisions of §§ 101–47.304–9 and 101–47.304–12.

(c) The disposal agency shall allow a reasonable period of time within which the successful bidder shall consummate the transaction and shall notify the successful bidder of the period allowed.

(d) It is within the discretion of the head of the disposal agency or his designee to determine whether the procedure authorized by paragraph (b) of this § 101–47.305–1 is followed or whether the bids shall be rejected and the property reoffered for sale on a publicly advertised competitive bid basis in accordance with the provisions of § 101–47.304–7, or disposed of by negotiation pursuant to § 101–47.306–1, or offered for disposal under other applicable provisions of this Subpart 101–47.3.

§ 101–47.305–2 Equal offers.

"Equal offers" means two or more offers that are equal in all respects, taking into consideration the best interests of the Government. If equal acceptable offers are received for the same property, award shall be made by a drawing by lot limited to the equal acceptable offers received.

§ 101–47.305–3 Notice to unsuccessful bidders.

When an offer for surplus real property has been accepted, the disposal agency shall notify all other bidders of such acceptance and return their earnest money deposits, if any.

§ 101–47.306 Absence of acceptable offers.

§ 101–47.306–1 Negotiations.

(a) When the head of the disposal agency or his designee determines that bid prices after advertising therefor (including the action authorized by the provisions of § 101–47.305–1(b)) are not reasonable either as to all or some part of the property or were not independently arrived at in open competition and that a negotiated sale rather than a disposal by readvertising or under other applicable provisions of this subpart would better protect the public interest, the property or such part thereof may be disposed of by negotiated sale after rejection of all bids received: *Provided*, That no negotiated disposal may be made under this § 101–47.306–1 unless:

(1) Notification of the intention to negotiate and reasonable opportunity to negotiate shall have been given by the agency head or his designee to each responsible bidder who submitted a bid pursuant to the advertising;

(2) The negotiated price is higher than the highest rejected bid price offered by any responsible bidder, as determined by the head of the agency or his designee; and

(3) The negotiated price is the highest negotiated price offered by any responsible prospective purchaser.

(b) Any such negotiated disposal shall be subject to the applicable provisions of §§ 101–47.304–9 and 101–47.304–12.

§ 101–47.306–2 National Industrial Reserve properties.

In the event that any disposal agency is unable to dispose of any surplus industrial plant because of the application of the conditions and restrictions of the National Security Clause imposed under the National Industrial Reserve Act of 1948 (50 U.S.C. 451), after making every practicable effort to do so, it shall notify the Secretary of Defense, indicating such modifications in the National Security Clause, if any, which in its judgment will make possible the disposal of the plant. Upon agreement by the Secretary of Defense to any and all of such modifications, the plant shall be reoffered for disposal subject to such modifications as may have been so agreed upon; or if such modifications are not agreed to, and upon request of the Secretary of Defense, the plant shall be transferred to the custody of GSA.

§ 101–47.307 Conveyances.

§ 101–47.307–1 Form of deed or instrument of conveyance.

Disposals of real property shall be by quitclaim deed or deed without warranty in conformity with local law and practice, unless the disposal agency finds that another form of conveyance is necessary to obtain a reasonable price for the property or to render the title marketable, and unless the use of such other form of conveyance is approved by GSA.

§ 101–47.307–2 Conditions in disposal instruments.

(a) Where a sale is made upon credit, the purchaser shall agree by appropriate provisions to be incorporated in the disposal instruments, that he will not resell or lease (unless due to its character or type the property was offered without leasing restrictions by the disposal agency) the property, or any part thereof or interest therein, without the prior written authorization of the disposal agency and such disposal instruments in appropriate cases may specifically provide for such authorization and/or future partial releases to be granted on terms which will adequately protect the Government's security for the credit extended to the purchaser.

(b) Any deed, lease, or other instrument executed to dispose of property under this subpart, subject to reservations, restrictions, or conditions as to the future use, maintenance, or transfer of the property shall recite all representations and agreements pertaining thereto.

§ 101–47.307–3 Distribution of conformed copies of conveyance instruments.

(a) Two conformed copies of any deed, lease, or other instrument containing reservations, restrictions, or conditions regulating the future use, maintenance, or transfer of the property shall be provided the agency charged with enforcement of such reservations, restrictions, or conditions.

(b) A conformed copy of the deed, lease, or other conveyance instrument shall be provided to the holding agency by the disposal agency.

§ 101–47.307–4 Disposition of title papers.

The holding agency shall, upon request, deliver to the disposal agency all title papers in its possession relating to the property reported excess. The disposal agency may transfer to the purchaser of the property, as a part of the disposal transaction, the pertinent records authorized by § 101–11.404–2, to be so transferred. If the purchaser of the property wishes to obtain additional records, copies thereof may be furnished to the purchaser with or without charge, as determined by the agency having custody of the records.

§ 101–47.307–5 Title transfers from Government corporations.

In order to facilitate the administration and disposition of real property when record title to such property is not in the name of the United States of America, the holding agency, upon request of the Administrator of General Services, shall deliver to the disposal agency a quitclaim deed, or other instrument of conveyance without warranty, expressed or implied, transferring all of the right, title, and interest of the holding agency in such property to the United States of America.

§ 101–47.307–6 Proceeds from disposals.

All proceeds from any sale, lease, or other disposition of surplus real property and related personal property shall be covered into the Treasury as miscellaneous receipts, except as provided in sections 204 (b), (c), (d), (e), and (f) of the Act.

§ 101–47.308 Special disposal provisions.

§ 101–47.308–1 Power transmission lines.

(a) Pursuant and subject to the provisions of section 13(d) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(d)), which is continued in effect by section 602(a) of the Federal Property and Administrative Services Act of 1949, any State or political subdivision thereof, or any State or Government agency or instrumentality may certify to the disposal agency that a surplus power transmission line and the right-of-way acquired for its construction is needful for or adaptable to the requirements of a public or cooperative power project. Disposal agencies shall notify such State entities and Government agencies of the availability of such property in accordance with § 101–47.303–2.

(b) Notwithstanding any other provisions of this subpart, whenever a State or political subdivision thereof, or a State or Government agency or instrumentality certifies that such property is needful for or adaptable to the requirements of a public or cooperative power project, the property may be sold for such utilization at the fair market value thereof.

(c) In the event a sale cannot be accomplished by reason of the price to be charged or otherwise and the certification is not withdrawn, the disposal agency shall report the facts involved to the Administrator of General Services, for a determination by him as to the further action to be taken to dispose of the property.

(d) Any power transmission line and right-of-way not disposed of pursuant to the provisions of this section shall be disposed of in accordance with other applicable provisions of this subpart, including, if appropriate, reclassification by the disposal agency.

§ 101–47.308–2 Property for public airports.

(a) Pursuant and subject to the provisions of section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), which is continued in effect by section 602(a) of the Federal Property and Administrative Services Act of 1949 and amended by the Act of October 1, 1949, 63 Stat. 700, and section 1402(c) of the Federal Aviation Act of 1958, 72 Stat. 807 (50 U.S.C. App. 1622a–1622c), airport property may be conveyed or disposed of to a State, political subdivision, municipality, or tax-supported institution for a public airport. Airport property is any surplus real property including improvements and personal property located thereon as a part of the operating unit (exclusive of property the highest and best use of which is determined by the Administrator of General Services to be industrial and which shall be so classified for disposal without regard to the provisions of this section) which, in the determination of the Administrator of the Federal Aviation Agency is essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport, as defined in the Federal Airport Act, as amended (49 U.S.C. 1101), or reasonably necessary to fulfill the immediate and foreseeable future requirements of the grantee for the development, improvement, operation, or maintenance of a public airport, including property needed to develop sources of revenue from non-aviation businesses at a public airport.

(b) The disposal agency shall notify eligible public agencies, in accordance with the provisions of § 101–47.303–2, that property which may be disposed of for use as a public airport under the Act of 1944, as amended, has been determined to be surplus. There shall be transmitted with the copy of each such notice when sent to the proper regional office of the Federal Aviation Agency, § 101–47.303–2(d), a copy of the holding agency's Report of Excess Real Property (Standard Form 118, with accompanying schedules).

(c) As promptly as possible after receipt of the copy of the notice given to eligible public agencies and the copy of Standard Form 118, the Federal Aviation Agency shall inform the disposal agency of the determination of the Administrator of the Federal Aviation Agency required by the provisions of the Act of 1944, as amended. The Federal Aviation Agency, thereafter, shall render such assistance to any eligible public agency known to have a need for the property for a public airport as may be necessary for such need to be considered in the development of a comprehensive and coordinated plan of use and procurement for the property. An application form and instructions for the preparation of an application shall be furnished to the eligible public agency by the disposal agency upon request.

(d) Whenever an eligible public agency has submitted a plan of use and application to acquire property for a public airport, in accordance with the provisions of § 101–47.303–2, the disposal agency shall transmit two copies of the plan and two copies of the application to the proper regional office of the Federal Aviation Agency. The Federal Aviation Agency shall promptly submit to the disposal agency a recommendation for disposal of the property for a public airport or shall inform the disposal agency that no such recommendation will be submitted.

(e) Upon receipt of such recommendation, the disposal agency may, with the approval of the head of the disposal agency or his designee, convey property recommended by the Federal Aviation Agency for disposal for a public airport to the eligible public agency, subject to the provisions of the Surplus Property Act of 1944, as amended.

(f) Any airport property not recommended by the Federal Aviation Agency for disposal pursuant to the provisions of this subsection for use as a public air-

port shall be disposed of in accordance with other applicable provisions of this subpart. However, the holding agency shall first be notified of the inability of the disposal agency to dispose of the property for use as a public airport and shall be allowed 30 days to withdraw the property from surplus or to waive any future interest in the property for public airport use.

(g) The Administrator of the Federal Aviation Agency has the sole responsibility for enforcing compliance with the terms and conditions of disposal, and for the reformation, correction, or amendment of any disposal instrument and the granting of releases and for taking any necessary action for recapturing such property in accordance with the provisions of the Act of October 1, 1949, 63 Stat. 700, and section 1402(c) of the Federal Aviation Act of 1958, 72 Stat. 807 (50 U.S.C. App. 1622a–1622c).

(h) In the event title to any such property is revested in the United States by reason of noncompliance with the terms and conditions of disposal, or other cause, the Administrator of the Federal Aviation Agency shall have accountability for the property and shall report the property to GSA as excess property in accordance with the provisions of § 101–47.202.

§ 101–47.308–3 Property for use as public parks, recreational areas, or historic monument sites.

(a) Pursuant and subject to the provisions of section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622 (h)), which is continued in effect by section 602(a) of the Federal Property and Administrative Services Act of 1949, land, including improvements and equipment thereon, which is determined by the Secretary of the Interior to be suitable and desirable for use as a public park, public recreational area, or historic monument, for the benefit of the public, may be conveyed or disposed of to a State, political subdivision, instrumentalities thereof, or municipality.

(b) The disposal agency shall notify eligible public agencies, in accordance with the provisions of § 101–47.303–2, that property which may be disposed of for use as a public park, public recreational area, or historic monument under the Act of 1944 has been determined to be surplus. There shall be transmitted with the copy of each such notice when sent to the proper field office of the Bureau of Outdoor Recreation listed in § 101–47.4912, as provided in § 101–47.303–2(d), a copy of the holding agency's Report of Excess Real Property (Standard Form 118, with accompanying schedules).

(c) An application form to acquire property for permanent use as a public park, public recreational area, or historic monument, and instructions for the preparation of the application, shall be furnished by the disposal agency to an eligible public agency upon request.

(d) Whenever an eligible public agency has submitted a plan of use and an application to acquire property for use as a public park, public recreational area, or historic monument, in accordance with the provisions of § 101–47.303–2, the disposal agency shall transmit a copy of the plan and a copy of the application to the Director, Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C., 20240, and shall send a copy of the plan and a copy of the application to the appropriate field office of the Bureau of Outdoor Recreation. The Director shall promptly inform the disposal agency in writing as to the date the determination of the Secretary of the Interior, required by the provisions of the Act of 1944, will be available.

(e) Upon receipt of such determination, the disposal agency may, with the approval of the head of the disposal agency, or his designee, convey property determined by the Secretary of the Interior to be suitable and desirable for use as a public park, public recreational area, or historic monument, for the benefit of the public, to an eligible public agency, subject to the provisions of the Act of 1944.

(f) The Secretary of the Interior has the responsibility for enforcing compliance with the terms and conditions of disposals and for the reformation, correction, or amendment of any disposal instrument, and the granting of releases, and for taking any necessary action for recapturing such property in accordance with the provisions of section 203 (k)(2) of the Act. Any such action shall be subject to the disapproval of the head of the disposal agency.

(g) In the event title to any such property is revested in the United States by reason of noncompliance with the terms and conditions of disposal, or other cause, the Secretary of the Interior shall have accountability and shall report the property to GSA as excess property in accordance with the provisions of § 101–47.202.

(h) Notice to the head of the disposal agency by the Secretary of the Interior of any action proposed to be taken under paragraph (f) of this section shall identify the property affected, setting forth in detail the proposed action and reasons therefor.

§ 101–47.308–4 Property for educational and public health purposes.

(a) The head of the disposal agency or his designee is authorized, in his discretion, to assign to the Secretary of Health, Education, and Welfare for disposal, under section 203(k)(1) of the Act, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary as being needed for school, classroom, or other educational use or for use in the protection of public health, including research.

(b) With respect to real property and related personal property which may be made available for assignment to the Secretary of Health, Education, and Welfare for disposal under the provisions of the Act of 1949 for educational or public health purposes to nonprofit institutions which have been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)).

(1) The Department of Health, Education, and Welfare may notify eligible nonprofit institutions, in accordance with the provisions of § 101–47.303–2(e), that such property has been determined surplus.

(2) Any such notice given by the Department to eligible nonprofit institutions shall state that any requirement for educational or public health use of the property should be coordinated with the public agency declaring to the disposal agency an intent to develop and submit a comprehensive and coordinated plan of use and procurement for the property.

(c) With respect to real property and related personal property which may be made available for assignment to the Secretary of Health, Education, and Welfare for disposal under the provisions of the Act for educational or public health purposes to eligible public agencies—

(1) The disposal agency shall notify eligible public agencies, in accordance with the provisions of § 101–47.303–2 (b) and (e), that such property has been determined to be surplus.

(2) Such notice to eligible public agencies shall state that any planning for an educational or public health use, involved in the development of a comprehensive and coordinated plan of use and procurement for the property, must be coordinated with the Department of Health, Education, and Welfare and that an application form for such use of the property and instructions for the preparation and submission of an application may be obtained from that Department.

(d) Whenever the disposal agency has not been informed by a public agency within the 20-day period stated in the notice given pursuant to the provisions of § 101–47.308–4 (b) or (c), that it desires to develop and submit a comprehensive and coordinated plan of use and procurement for the property, but the Department of Health, Education, and Welfare has notified the disposal agency within the said 20-day period of a potential educational or public health requirement for the property, the Department shall submit to the disposal agency within 25 days after the expiration of the 20-day period, a recommendation for assignment of the property to the Secretary of Health, Education, and Welfare, or shall inform the disposal agency, within the 25-day period, that a recommendation will not be made for assignment of the property to the Secretary.

(e) Whenever an eligible public agency has submitted a plan of use and procurement for property for an educational or public health requirement, in accordance with the provisions of § 101–47.303–2, the disposal agency shall transmit two copies of the plan to the regional office of the Department of Health, Education, and Welfare. The Department shall submit to the disposal agency, within 25 days after the date the plan is transmitted to the Department, a recommendation for assignment of the property to the Secretary of Health, Education, and

Welfare or shall inform the disposal agency, within the 25-day period, that a recommendation will not be made for assignment of the property to the Secretary.

(f) Any recommendation submitted by the Department of Health, Education, and Welfare pursuant to § 101–47.308–4 (d) or (e) shall set forth complete information concerning the intended educational or public health use, including (1) identification of the property, (2) the name of the applicant and the size and nature of its program, (3) the specific use planned, (4) the intended public benefit allowance, (5) the estimate of value upon which such proposed allowance is based, and (6) if the acreage or value of the property exceeds the standards established by the Secretary, an explanation therefor. The Department shall furnish to the holding agency a copy of the recommendation, unless the holding agency is also the disposal agency.

(g) Holding agencies shall cooperate to the fullest extent possible with representatives of the Department of Health, Education, and Welfare in their inspection of such property and in furnishing information relating thereto.

(h) In the absence of a recommendation § 101–47.308–4 (d) or (e), the disposal agency shall proceed with appropriate disposal action.

(i) If the recommendation is approved, the disposal agency shall assign the property by letter or other document to the Secretary of Health, Education, and Welfare for disposal and shall inform the Secretary that there will be no objection to the proposed transfer. If the recommendation is disapproved, the disposal agency shall so notify the Secretary. Such assignment or notice shall be given within 30 days after the Department of Health, Education, and Welfare has submitted the recommendation. The disposal agency shall furnish to the holding agency a copy of the assignment or notice, unless the holding agency is also the disposal agency.

(j) The Department of Health, Education, and Welfare shall prepare the transfer document and take all other actions necessary to accomplish the transfer of the property within 90 days after the date of the assignment of the property to the Secretary of Health, Education, and Welfare.

(k) The Secretary of Health, Education, and Welfare has the responsibility for enforcing compliance with the terms and conditions of transfer and for the reformation, correction, or amendment of any transfer instrument and the granting of releases and for the taking of any necessary actions for recapturing such property in accordance with the provisions of section 203(k)(2) of the Act. Any such action shall be subject to the disapproval of the head of the disposal agency. Notice to the head of the disposal agency by the Secretary of any action proposed to be taken shall identify the property affected, set forth in detail the proposed action, and state the reasons therefor.

(l) In each case of repossession under a terminated lease, or reverter of title by reason of noncompliance with the terms and conditions of sale or other cause, the Department of Health, Education, and Welfare shall, at or prior to such repossession or reversion of title, provide GSA with an accurate description of the real and related personal property involved. Standard Form 118, Report of Excess Real Property, and the appropriate schedules shall be used for this purpose. Upon receipt of advice from the Department that such property has been repossessed or title has reverted, GSA will assume accountability therefor.

§ 101–47.308–5 Property for use as shrines, memorials, or for religious purposes.

(a) Surplus military chapels shall be segregated from other buildings, and shall be disposed of intact, separate and apart from the land, for use off-site as shrines, memorials, or for religious purposes, except in cases in which the chapel is located on surplus Government-owned land and the disposal agency determines that it may properly be used in place, in which cases a suitable area of land may be set aside for such purposes, and sold with the chapel.

(1) *Application.* Applications for the purchase of surplus chapels for use off-site or for use in-place shall be solicited by public advertising. All applications received in response to advertising shall be submitted to the Chief of Chaplains of the service which had jurisdiction over the property during the period of Government use thereof for military purposes and shall be disposed of in accordance with his recommendation. If no recommendation is received from the Chief of Chaplains within 30 days from the date of such submission, the disposal agency may select the purchaser on the basis of the needs of the applicants and the best interests of the community to be served. If no application is received for transfer of the property for shrine, memorial, or religious uses, the Chief of Chaplains shall be notified accordingly, and disposal of the property shall be held in abeyance for a period not to exceed 60 days thereafter to afford additional time for the filing of applications. If no such application is received during the extended period, the property may be disposed of for uses other than shrine, memorial, or religious purposes pursuant to other applicable provisions of this subpart.

(2) *Sale price.* The sale price of the chapel shall be a price equal to its appraised fair market value in the light of conditions imposed relating to its future use and the estimated cost of removal, where required. The sale price of the land shall be a price equal to the appraised fair market value of the land based upon the highest and best use of the land at the time of the disposal.

(3) *Conditions of transfer.* All chapels disposed of pursuant to the authority of this section shall be transferred subject to the condition that during the useful life thereof they be maintained and used as shrines, memorials, or for religious purposes and not for any commercial, industrial, or other secular use; and that in the event a transferee fails to maintain and use the chapel for such purposes there shall become due and payable to the Government the difference between the appraised fair market value of the chapel, as of the date of the transfer, without restrictions on its use, and the price actually paid. Where the land on which the chapel is located is sold with the chapel, no conditions or restrictions on the use of the land shall be included in the deed.

(4) *Release of restrictions.* The disposal agency may release the conditions of transfer without payment of a monetary consideration upon a determination that the property no longer serves the purpose for which it was transferred or that such release will not prevent accomplishment of the purpose for which the property was transferred. Such determination shall be in writing, shall state the facts and circumstances involved, and shall be preserved in the files of the disposal agency.

(b) Notwithstanding the provisions of this § 101–47.308–5, a chapel and underlying land that is a component unit of a larger parcel of surplus real property recommended by the Secretary of Health, Education, and Welfare as being needed for educational or public health purposes, may be included in an assignment of such property, when so recommended by the Secretary, for disposal subject to the condition that the instrument of conveyance shall require that during the useful life of the chapel it shall be maintained and used by the grantee as a shrine, memorial, or for religious purposes.

§ 101–47.309 Disposal of leases, permits, licenses, and similar instruments.

The disposal agency may, subject to such reservations, restrictions, and conditions, if any, as the disposal agency deems necessary properly to protect the interests of the United States against liability under a lease, permit, license, or similar instrument:

(a) Dispose of the lease or other instrument subject to assumption by the transferee of the obligations in the lease or other instrument unless a transfer is prohibited by the terms of the lease or other instrument; or

(b) Terminate the lease or other instrument by notice or negotiated agreement; and

(c) Dispose of any surplus Government-owned improvements located on the premises in the following order by any one or more of the following methods:

(1) By disposition of all or a portion thereof to the transferee of the lease or other instrument (not applicable when the lease or other instrument is terminated);

(2) By disposition to the owner of the premises or grantor of a sublease, as the case may be, (i) in full satisfaction of a contractual obligation of the Govern-

ment to restore the premises, or (ii) in satisfaction of a contractual obligation of the Government to restore the premises plus the payment of a money consideration to the Government by the owner or grantor, as the case may be, that is fair and reasonable under the circumstances, or (iii) in satisfaction of a contractual obligation of the Government to restore the premises plus the payment by the Government to the owner or grantor, as the case may be, of a money consideration that is fair and reasonable under the circumstances; or

(3) By disposition for removal from the premises.

Provided, That any negotiated disposals shall be subject to the applicable provisions of §§ 101–47.304–9 and 101–47.304–12, except where the disposition under paragraph (c) (2) of this section is negotiated pursuant to any provision of law other than the Act.

§ 101–47.310 Disposal of structures and improvements on Government-owned land.

In the case of Government-owned land, the disposal agency may dispose of structures and improvements with the land or separately from the land: *Provided,* That prefabricated movable structures such as Butler-type storage warehouses, and quonset huts, and housetrailers (with or without under carriages) reported to GSA with the land on which they are located, may, in the discretion of GSA, be designated for disposal as personal property for off-site use.

§ 101–47.311 Disposal of residual personal property.

(a) Any related personal property reported to GSA on Standard Form 118 which is not disposed of by GSA as related to the real property, shall be designated by GSA for disposal as personal property.

(b) Any related personal property which is not disposed of by the holding agency, pursuant to the authority contained in § 101–47.302, or authority otherwise delegated by the Administrator of General Services as related to the real property, shall be disposed of under the applicable provisions of Part 101–45.

§ 101–47.312 Non-Federal interim use of property.

(a) A lease or permit may be granted by the holding agency with the approval of the disposal agency, for non-Federal interim use of surplus property: *Provided,* That such lease or permit shall be for a period not exceeding 1 year and shall be made revocable on not to exceed 30 days' notice by the disposal agency: *And provided further,* That the use and occupancy will not interfere with, delay, or retard the disposal of the property. In such cases, an immediate right of entry to such property may be granted pending execution of the formal lease or permit. The lease or permit shall be for a money consideration and shall be on such other terms and condtions as are deemed appropriate properly to protect the interests of the United States. Any negotiated lease or permit shall be subject to the applicable provisions of §§ 101–47.304–9 and 101–47.304–12, except that no explanatory statement to the appropriate committees of the Congress need be prepared with respect to a negotiated lease or permit providing for a net rental of $1,000 or less per month, and termination by either party on 30 days' notice.

(b) Any lease of farmlands shall be governed by the policy described in the memorandum of the President dated May 21, 1956 (see § 101–47.4909).

§ 101–47.313 Easements.

§ 101–47.313–1 Disposal of easements to owner of servient estate.

The disposal agency may dispose of an easement to the owner of the land which is subject to the easement when the continued use, occupancy, or control of the easement is not needed for the operation, production, use, or maintenance of property owned or controlled by the Government. A determination shall be made by the disposal agency as to whether the disposal shall be with or without consideration to the Government on the basis of all the circumstances and factors involved and with due regard to the acquisition cost of the easement to the Government. The extent of such consideration shall be regarded as the appraised fair market value of the easement. The disposal agency shall document the circumstances and factors leading to such determination and retain such documentation in its files.

§ 101–47.313–2 Grants of easements in or over Government property.

The disposal agency may grant easements in or over real property on appropriate terms and conditions: *Provided,* That where the disposal agency determines that the granting of such easement decreases the value of the property, the granting of the easement shall be for a consideration not less than the amount by which the fair market value of the property is decreased.

§ 101–47.314 Compliance.

§ 101–47.314–1 General.

Subject to the provisions of § 101–47.314–2(a), requiring referral of criminal matters to the Department of Justice, each disposal agency shall perform such investigatory functions as are necessary to insure compliance with the provisions of the Act and with the regulations, orders, directives, and policy statements of the Administrator of General Services.

§ 101–47.314–2 Extent of investigations.

(a) *Referral to other Government agencies.* All information indicating violations by any person of Federal criminal statutes, or violations of section 209 of the Act, including but not limited to fraud against the Government, mail fraud, bribery, attempted bribery, or criminal collusion, shall be referred immediately to the Department of Justice for further investigation and disposition. Each disposal agency shall make available to the Department of Justice, or to such other governmental investigating agency to which the matter may be referred by the Department of Justice, all pertinent information and evidence concerning the indicated violations; shall desist from further investigation of the criminal aspects of such matters except upon the request of the Department of Justice; and shall cooperate fully with the agency assuming final jurisdiction in establishing proof of criminal violations. After making the necessary referral to the Department of Justice, inquiries conducted by disposal agency compliance organizations shall be limited to obtaining information for administrative purposes. Where irregularities reported or discovered involve wrongdoing on the part of individuals holding positions in Government agencies other than the agency initiating the investigation, the case shall be reported immediately to the Administrator of General Services for an examination in the premises.

(b) *Compliance reports.* A written report shall be made of all compliance investigations conducted by each agency compliance organization. Each disposal agency shall maintain centralized files of all such reports at its respective departmental offices. Until otherwise directed by the Administrator of General Services, there shall be transmitted promptly to the Administrator of General Services one copy of any such report which contains information indicating criminality on the part of any person or indicating noncompliance with the Act or with the regulations, orders, directives, and policy statements of the Administrator of General Services. In transmitting such reports to the Administrator of General Services, the agency shall set forth the action taken or contemplated by the agency to correct the improper conditions established by the investigation. Where any matter is referred to the Department of Justice, a copy of the letter of referral shall be transmitted to the Administrator of General Services.

§ 101–47.315 Covenant against contingent fees and related procedure.

The provisions of § 101–45.311 with respect to the covenant against contingent fees and related procedure are hereby made applicable to disposals of real and related personal property.

Subpart 101–47.4—Management of Excess and Surplus Real Property

§ 101–47.400 Scope of subpart.

This subpart prescribes the policies and methods governing the physical care, handling, protection, and maintenance of excess real property and surplus real property, including related personal property, within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

§ 101–47.401 General provisions of subpart.

§ 101–47.401–1 Policy.

It is the policy of the Administrator of General Services:

(a) That the management of excess real property and surplus real property, including related personal property, shall provide only those minimum services necessary to preserve the Government's interest therein, realizable value of the property considered.

(b) To place excess real property and surplus real property in productive use through interim utilization: *Provided,* That such temporary use and occupancy will not interfere with, delay, or retard its transfer to a Federal agency or disposal.

(c) That excess and surplus real property which is dangerous to the public health or safety shall be destroyed or rendered innocuous.

§ 101–47.401–2 Definitions.

As used in this subpart, the following terms shall have the meanings set forth below:

(a) *Maintenance.* The upkeep of property only to the extent necessary to offset serious deterioration; also such operation of utilities, including water supply and sewerage systems, heating, plumbing, and air-conditioning equipment, as may be necessary for fire protection, the needs of interim tenants, and personnel employed at the site, and the requirements for preserving certain types of equipment.

(b) *Repairs.* Those additions or changes that are necessary for the protection and maintenance of property to deter or prevent excessive or rapid deterioration or obsolescence, and to restore property damaged by storm, flood, fire, accident, or earthquake.

§ 101–47.401–3 Taxes and other obligations.

Payment of taxes or payments in lieu of taxes (in the event of the enactment hereafter of legislation by Congress authorizing such payments upon Government-owned property which is not legally assessable), rents, and insurance premiums and other obligations pending transfer or disposal shall be the responsibility of the holding agency.

§ 101–47.401–4 Decontamination.

The holding agency shall be responsible for all expense to the Government and for the supervision of decontamination of excess and surplus real property that has been subjected to contamination with hazardous material of any sort. Extreme care must be exercised in the decontamination, and in the management and disposal of contaminated property in order to prevent such properties becoming a hazard to the general public. The disposal agency shall be made cognizant of any and all inherent hazards involved relative to such property in order to protect the general public from hazards and to preclude the Government from any and all liability resulting from indiscriminate disposal or mishandling of contaminated property.

§ 101–47.401–5 Improvements or alterations.

Improvements or alterations which involve rehabilitation, reconditioning, conversion, completion, additions, and replacements in structures, utilities, installations, and land betterments, may be considered in those cases where disposal cannot otherwise be made, but no commitment therefor shall be entered into without prior approval of GSA.

§ 101–47.401–6 Interim use and occupancy.

When a revocable agreement to place excess real property or surplus real property in productive use has been made, the agency executing the agreement shall be responsible for the servicing thereof.

§ 101–47.402 Care and handling.

§ 101–47.402–1 Responsibility.

The holding agency shall retain custody and accountability for excess and surplus real property, including related personal property, and shall perform the physical care, handling, protection, maintenance, and repairs of such property pending its transfer to a Federal agency for disposal. Guidelines for protection and maintenance of excess and surplus real property are contained in § 101–47.4913.

§ 101–47.402–2 Expense of care and handling.

(a) The holding agency shall be responsible for the expense of physical care, handling, protection, maintenance, and repairs of such property pending transfer or disposal for not more than 12 months, plus the period to the first day of the succeeding quarter of the fiscal year after the date of receipt by GSA of the formal report of excess: *Provided, however,* That where a holding agency requests deferral of disposal on property which it has reported excess, the period for which the agency is responsible for such expense shall be extended by the length of time that disposal is deferred.

(b) In the event the property is not transferred to a Federal agency or disposed of during the period mentioned in § 101–47.402–2(a), the expense of physical care, handling, protection, maintenance, and repairs of such property from and after the expiration date of said period shall be reimbursed to the holding agency by the disposal agency.

Subpart 101–47.5—Abandonment, Destruction, or Donation to Public Bodies

§ 101–47.500 Scope of subpart.

(a) This subpart prescribes the policies and methods governing the abandonment, destruction, or donation to public bodies by Federal agencies of real property located within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(b) This subpart does not apply to surplus property assigned for disposal to educational or public health institutions pursuant to section 203(k) of the Act.

§ 101–47.501 General provisions of subpart.

§ 101–47.501–1 Definitions.

(a) "No commercial value" means real property, including related personal property, which has no reasonable prospect of being disposed of at a consideration.

(b) "Public body" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or any political subdivision, agency, or instrumentality of the foregoing.

§ 101–47.501–2 Authority for disposal.

Subject to the restrictions in § 101–47.502 and § 101–47.503, any Federal agency having control of real property which has no commercial value or of which the estimated cost of continued care and handling would exceed the estimated proceeds from its sale, is authorized:

(a) To abandon or destroy Government-owned improvements and related personal property located on privately owned land.

(b) To destroy Government-owned improvements and related personal property located on Government-owned land. Abandonment of such property is not authorized.

(c) To donate to public bodies any real property (land and/or improvements and related personal property), or interests therein, owned by the Government.

§ 101–47.501–3 Dangerous property.

No property which is dangerous to public health or safety shall be abandoned, destroyed, or donated to public bodies pursuant to this subpart without first rendering such property innocuous or providing adequate safeguards therefor.

§ 101–47.501–4 Findings.

(a) No property shall be abandoned, destroyed, or donated by a Federal agency under § 101–47.501–2, unless a duly authorized official of that agency finds, in writing, either that (1) such property has no commercial value, or (2) the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale. Such finding shall not be made by any official directly accountable for the property covered thereby.

(b) Whenever all the property proposed to be disposed of hereunder by a Federal agency at any one location at any one time had an original cost (estimated if not known) of more than $1,000, findings made under § 101–47.501–4(a), shall be approved by a reviewing authority before any such disposal.

§ 101–47.502 Donations to public bodies.

§ 101–47.502–1 Cost limitations.

No improvements on land or related personal property having an original cost (estimated if not known) in excess of $250,000 and no land, regardless of cost, shall be donated to public bodies without the prior concurrence of GSA. The request for such concurrence shall be made to the regional office of GSA for the region in which the property is located.

§ 101–47.502–2 Disposal costs.

Any public body receiving improvements on land or related personal property pursuant to this subpart shall pay the disposal costs incident to the donation, such as dismantling, removal, and the cleaning up of the premises.

§ 101–47.503 Abandonment and destruction.

§ 101–47.503–1 General.

(a) No improvements on land or related personal property shall be abandoned or destroyed by a Federal agency unless a duly authorized official of that agency finds, in writing, that donation of such property in accordance with the provisions of this subpart is not feasible. This finding shall be in addition to the finding prescribed in § 101–47.501–4. If at any time prior to actual abandonment or destruction the donation of the property pursuant to this subpart becomes feasible, such donation will be accomplished.

(b) No abandonment or destruction shall be made in a manner which is detrimental or dangerous to public health or safety or which will cause infringement of the rights of other persons.

(c) The concurrence of GSA shall be obtained prior to the abandonment or destruction of improvements on land or related personal property (1) which had an original cost (estimated if not known) of more than $50,000, or (2) which are of permanent type construction, or (3) where their retention would enhance the value of the underlying land, if it were to be made available for sale or lease.

§ 101–47.503–2 Notice of proposed abandonment or destruction.

Except as provided in § 101–47.503–3, improvements on land or related personal property shall not be abandoned or destroyed by a Federal agency until after public notice of such proposed abandonment or destruction. Such notice shall be given in the area in which the property is located, shall contain a general description of the property to be abandoned or destroyed, and shall include an offering of the property for sale. A copy of such notice shall be given to the regional office of GSA for the region in which the property is located.

§ 101–47.503–3 Abandonment or destruction without notice.

If (a) the property had an original cost (estimated if not known) of not more than $1,000; or (b) its value is so low or the cost of its care and handling so great that its retention in order to post public notice is clearly not economical; or (c) immediate abandonment or destruction is required by considerations of health, safety, or security; or (d) the assigned mission of the agency might be jeopardized by the delay, and a finding with respect to (a), (b), (c), or (d) is made in writing by a duly authorized official of the Federal agency and approved by a reviewing authority, abandonment or destruction may be made without public notice. Such a finding shall be in addition to the findings prescribed in §§ 101–47.501–4 and 101–47.503–1(a).

Subpart 101–47.6—Delegations

§ 101–47.600 Scope of subpart.

This subpart sets forth the special delegations of authority granted by the Administrator of General Services to other agencies for the utilization and disposal of certain real property pursuant to the Act.

§ 101–47.601 Delegation to Department of Defense.

(a) Authority is delegated to the Secretary of Defense to determine that excess real property and related personal property under the control of the Department of Defense having a total estimated fair market value, including all the component units of the property, of less than $1,000 as determined by the Department of Defense, is not required for the needs and responsibilities of Federal agencies; and thereafter to dispose of said property by means deemed advantageous to the United States.

(b) Prior to such determination and disposal, the Secretary of Defense shall take steps as may be appropriate to determine that the property is not required for the needs of any Federal agency.

(c) The authority conferred in this § 101–47.601 shall be exercised in accordance with the Act and regulations issued pursuant thereto, except any provisions of Subpart 101–47.2 relating to reporting such property to GSA.

(d) The authority delegated in this § 101–47.601 may be redelegated to any officer or employee of the Department of Defense.

§ 101–47.602 Delegation to the Department of Agriculture.

(a) Authority is delegated to the Secretary of Agriculture to determine that excess real property and related personal property under the control of the Department of Agriculture having a total estimated fair market value, including all the component units of the property, of less than $1,000 as determined by the Department of Agriculture, is not required for the needs and responsibilities of Federal agencies; and thereafter to dispose of said property by means deemed advantageous to the United States.

(b) Prior to such determination and disposal, the Secretary of Agriculture shall take steps as may be appropriate to determine that the property is not required for the needs of any Federal agency.

(c) The authority conferred in this § 101–47.602 shall be exercised in accordance with the Act and regulations issued pursuant thereto, except any provisions of Subpart 101–47.2 relating to reporting such property to GSA.

(d) The authority delegated in this § 101–47.602 may be redelegated to any officer or employee of the Department of Agriculture.

§ 101–47.603 Delegation to the Department of the Interior.

(a) Authority is delegated to the Secretary of the Interior to determine that excess real property and related personal property under the control of the Department of the Interior having a total estimated fair market value, including all the component units of the property, of less than $1,000 as determined by the Department of the Interior, is not required for the needs and responsibilities of Federal agencies; and thereafter to dispose of said property by means deemed advantageous to the United States.

(b) Prior to such determination and disposal, the Secretary of the Interior shall take steps as may be appropriate to determine that the property is not required for the needs of any Federal agency.

(c) The authority conferred in this § 101–47.603 shall be exercised in accordance with the Act and regulations issued pursuant thereto, except any provisions of Subpart 101–47.2 relating to reporting such property to GSA.

(d) The authority delegated in this § 101–47.603 may be redelegated to any officer or employee of the Department of the Interior.

§ 101–47.604 Delegation to the Department of the Interior and the Department of Health, Education, and Welfare.

(a) The Secretary of the Interior and the Secretary of Health, Education, and Welfare, are delegated authority to transfer and to retransfer to each other, upon request, any of the property of either agency which is being used and will continue to be used in the administration of any functions relating to the Indians. The term "property," as used in this § 101–47.604, includes real property and such personal property as the Secretary making the transfer or retransfer determines to be related personal property.

(b) This authority shall be exercised only in connection with property which the Secretary transferring or retransferring such property determines:

(1) Comprises a functional unit;

(2) Is located within the United States; and

(3) Has an acquisition cost of $100,000 or less: *Provided, however,* That the transfer or retransfer shall not include property situated in any area which is recognized as an urban area or place for the purpose of the most recent decennial census.

(c) No screening of the property as required by the regulations in this Part 101–47 need be conducted, it having been determined that such screening among Federal agencies would accomplish no useful purpose since the property which is subject to transfer or retransfer hereunder will continue to be used in the administration of any functions relating to the Indians.

(d) Any such transfer or retransfer of a specific property shall be without reimbursement except:

(1) Where funds programed and appropriated for acquisition of the property are available to the Secretary requesting the transfer or retransfer; or

(2) Whenever reimbursement at fair value is required by Subpart 101–47.2.

(e) Where funds were not programed and appropriated for acquisition of the property, the Secretary requesting the transfer or retransfer shall so certify. Any determination necessary to carry out the authority contained in this § 101–47.604 which otherwise would be required under this part to be made by GSA shall be made by the Secretary transferring or retransferring the property.

(f) The authority conferred in this § 101–47.604 shall be exercised in accordance with such other provisions of the regulations of GSA issued pursuant to the Act as may be applicable.

(g) The Secretary of the Interior and the Secretary of Health, Education, and Welfare, are authorized to redelegate any of the authority contained in this § 101–47.604 to any officers or employees of their respective departments.

Subpart 101–47.7—Conditional Gifts of Real Property to Further the Defense Effort

§ 101–47.700 Scope of subpart.

This subpart provides for acceptance or rejection, on behalf of the United States, of any gift of real property offered on condition that it be used for a particular defense purpose and for subsequent disposition of such property (Act of July 27, 1954, 68 Stat. 566, 40 U.S.C. 1151–1156).

§ 101–47.701 Offers and acceptance of conditional gifts.

(a) Any agency receiving an offer of a conditional gift of real property for a particular defense purpose within the purview of the Act of July 27, 1954, shall notify the appropriate regional office of GSA and shall submit a recommendation as to acceptance or rejection of the gift.

(b) Prior to such notification, the receiving agency shall acknowledge receipt of the offer and advise the donor of its referral to the GSA regional office, but should not indicate acceptance or rejection of the gift on behalf of the United States. A copy of the acknowledgment shall accompany the notification and recommendation to the regional office.

(c) When the gift is determined to be acceptable and it can be accepted and used in the form in which offered, it will be transferred without reimbursement to an agency designated by GSA for use for the particular purpose for which it was donated.

(d) If the gift is one which GSA determines may and should be converted to money, the funds, after conversion, will be deposited with the Treasury Department for transfer to an appropriate account which will best effectuate the intent of the donor, in accordance with Treasury Department procedures.

§ 101–47.702 Consultation with agencies.

Such conditional gifts of real property will be accepted or rejected on behalf of the United States or transferred to an agency by GSA, only after consultation with the interested agencies.

§ 101–47.703 Advice of disposition.

GSA will advise the donor and the agencies concerned of the action taken with respect to acceptance or rejection of the conditional gift and of its final disposition.

§ 101–47.704 Acceptance of gifts under other laws.

Nothing in this Subpart 101–47.7 shall be construed as applicable to the acceptance of gifts under the provisions of other laws.

Subparts 101–47.8—101–47.48 [Reserved]

Subpart 101–47.49—Illustrations

§ 101–47.4900 Scope of subpart.

This subpart sets forth certain forms and illustrations referred to previously in this part.

NOTE: The forms in §§ 101–47.4902—101–47.4904–1 filed as part of the original document. Copies may be obtained from Central Office, GSA.

Statute	Type of property	Eligible public agency
50 U.S.C. App. 1622(h). Disposals for public parks, public recreation areas, or historic monuments.	Any surplus real property, including improvements and equipment located thereon, exclusive of (1) minerals having a commercial value separate and apart from the surface; (2) improvements without land; (3) property subject to disposal as a shrine, memorial, or for religious purposes under the provisions of § 101–47.308–5; (4) property suitable for disposal for public airport purposes under the provisions of 50 U.S.C. App. 1622(g); (5) property the highest and best use of which is determined to be industrial and which shall be so classified for disposal; and (6) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act. This statute, as amended, does not authorize the disposal, for historic monument use, of property if its historical significance relates to a period of time within the 50 years immediately preceding the determination of suitability and desirability for such use.	Any State, political subdivision and instrumentalities thereof, or municipality; Commonwealth of Puerto Rico and the Virgin Islands.
40 U.S.C. 484(k)(1)(A). Disposals for school, classroom, or other educational purposes.	Any surplus real property including buildings, fixtures, and equipment situated thereon, exclusive of (1) minerals having a commercial value separate and apart from the surface, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	States and their political subdivisions and instrumentalities, and tax-supported, educational institutions; District of Columbia; Commonwealth of Puerto Rico; and the Virgin Islands.
40 U.S.C. 484(k)(1)(B). Disposals for public health purposes including research.	Any surplus real property, including buildings, fixtures, and equipment situated thereon, exclusive of (1) minerals having a commercial value separate and apart from the surface, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	States and their political subdivisions and instrumentalities, and tax-supported medical institutions; District of Columbia; Commonwealth of Puerto Rico; and the Virgin Islands.

Statute	Type of property	Eligible public agency
50 U.S.C. App. 1622(g). Disposals for public airport purposes.	Any surplus real or personal property, exclusive of (1) property subject to disposal as a shrine, memorial, or for religious purposes under the provisions of § 101–47.308–5; (2) property subject to disposal as a historic monument site under the provisions of § 101–47.308–3; (3) property the highest and the best use of which is determined by the disposal agency to be industrial and which shall be so classified for disposal, and (4) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	Any State, political subdivision, municipality or tax-supported institution; Commonwealth of Puerto Rico; and the Virgin Islands.
16 U.S.C. 667 b–d. Disposals for wildlife conservation purposes.	Any surplus real property (with or without improvements) that can be utilized for wildlife conservation purposes other than migratory birds, exclusive of (1) oil, gas, and mineral rights, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	The agency of the State exercising the administration of the wildlife resources of the State.
2 U.S.C. 107 and 317. Disposals for Federal aid and other highways.	Any real property or interests therein determined by the Secretary of Commerce to be reasonably necessary for the right-of-way of a Federal aid or other highway (including control of access thereto from adjoining lands) or as a source of material for the construction or maintenance of any such highway adjacent to such real property or interest therein exclusive of (1) minerals having a commercial value separate and apart from the surface, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	State wherein the property is situated (or such political subdivision of the State as its law may provide), including the District of Columbia and Commonwealth of Puerto Rico.
40 U.S.C. 345 c. Disposals for authorized widening of public highways, streets, or alleys.	Such interest in surplus real property as the head of the disposal agency determines will not be adverse to the interests of the United States, exclusive of (1) minerals having a commercial value separate and apart from the surface, (2) property subject to disposal for Federal aid and other highways under the provisions of 23 U.S.C. 107 and 317, and (3) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	State or political subdivision of a State.
50 U.S.C. App. 1622(d). Disposals of power transmission lines needful for or adaptable to the requirements of a public power project.	Any surplus power transmission line and the right of way acquired for its construction.	Any State or political subdivision thereof or any State agency or instrumentality.
40 U.S.C. 484 (e)(3)(H). Disposals by negotiations.	Any surplus real property including related personal property.	Any State, political subdivision thereof, or tax-supported agency therein; Commonwealth of Puerto Rico; and the Virgin Islands.
40 U.S.C. 122. Transfer of jurisdiction over properties with the District of Columbia for administration and maintenance under conditions to be agreed upon.	Any surplus real property, except property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	District of Columbia.

§ 101–47.4906 Sample notice to public agencies of surplus determination.

NOTICE OF SURPLUS DETERMINATION—GOVERNMENT PROPERTY

(Date)

(Name of property)

(Location)

Notice is hereby given that the ---, ---, (Name of property) (Location) ---, has been determined to be surplus Government property. The property consists of 1,333.65 acres of fee land and a 5.968-acre drainage ditch easement, together with installed landing strips, taxiways, walks, roads, parking area, electrical system, and fencing.

This property is surplus property available for disposal pursuant to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and applicable regulations. The applicable regulations provide that public agencies (non-Federal) shall be allowed a reasonable period of time to develop a comprehensive and coordinated plan of use and procurement for surplus real property in which they may be interested. Disposal of this property, or portions thereof, may be made to public agencies for the public uses stated below whenever the Government has determined that the property is available for such uses and that disposal thereof is authorized by the statutes cited and applicable regulations:[1]

Statute	*Type of disposal*
50 U.S.C. App. 1622(h)	Public park, recreational area, or historic monument.
40 U.S.C. 484(k)(1)(A)	School, classroom, or other educational purposes.
40 U.S.C. 484(k)(1)(B)	Protection of public health, including research.
50 U.S.C. App. 1622(g)	Public airport.
23 U.S.C. 107 and 317	Federal aid and certain other highways.
40 U.S.C. 484(e)(3)(H)	Negotiated sales to public bodies for use for public purposes generally.

If any public agency desires to develop a comprehensive and coordinated plan of use and procurement for this property, notice thereof in writing must be filed with ---, ---, before (Name of disposal agency) (Address) --- Standard Time, ---, (Hour and zone) (Day) ---.[2] Such notice shall: (Date)

1. Disclose the contemplated use of the property;

2. Contain a citation of the applicable statute or statutes under which the public agency desires to procure the property;

3. Disclose the nature of the interest if an interest less than fee title to the property is contemplated;

4. State the length of time required to develop and submit a comprehensive and coordinated plan of use and procurement for the property (where a payment to the Government is required under the statute, include a statement as to whether funds are available and, if not, the period required to obtain funds); and

5. Give the reason for the time required to develop and submit a plan.

Any planning for an educational or a public health use of property sought to be acquired subject to a public benefit allowance must be coordinated with the Department of Health, Education, and Welfare --- (Address of --- An application form to acquire proper regional office) property for an educational or public health requirement, and instructions for the preparation and submission of an application, may be obtained from that office. Application forms or instructions to acquire property for all other public use requirements may be obtained from ---, ---.[3] (Name of disposal agency) (Address)

Upon receipt of such written notice, the public agency will be promptly informed concerning the period of time that will be allowed to develop a comprehensive and coordinated plan of use and procurement for the property. Such a plan of use will be the basis for subsequent determination by the Government as to whether the property is available for the proposed use and disposal thereof is authorized by applicable statutes and regulations.

In the absence of such written notice, or in the event a public use proposal is not approved, the regulations issued pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, provide for offering the property for sale for its highest and best use.

§ 101–47.4906–1 Sample letter for transmission of notice of surplus determination.

(Date)

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

(Addressee)

Dear ---:

The former ---, (Name of property) --- has been determined to be (Location) surplus Government property and available for disposal.

Included in the attached notice are a description of the property and procedural instructions to be followed if any public agency desires to develop a comprehensive and coordinated plan of use and procure-

[1] List only the statutes (showing type of disposal) applicable to disposal to public bodies of the property determined to be surplus.

[2] This date shall be 20-calendar days after the date of the notice.

[3] Delete this paragraph whenever property is not available for transfer for an educational or public health use.

ment for the property. Please note particularly the name and address given for filing written notice if any public agency desires to develop such a plan of use, the time limitation within which written notice must be filed, and the required content of such notice.

In order to insure that all interested parties are informed of the availability of this property, please post the additional copies of the attached notice in appropriate conspicuous places.[1]

Identical letters are being mailed to ----------.

(Other addressees)

Sincerely yours,

Attachment

§ 101–47.4907 List of Federal real property holding agencies.

1. Agriculture, Department of
2. Atomic Energy Commission
3. Commerce, Department of
4. Defense, Department of
5. Federal Aviation Agency
6. Federal Communications Commission
7. General Services Administration
8. Government Printing Office
9. Health, Education, and Welfare, Department of
10. Housing and Home Finance Agency
11. Interior, Department of the
12. Justice, Department of
13. National Aeronautics and Space Administration
14. National Capital Housing Authority
15. National Science Foundation
16. Post Office Department
17. Smithsonian Institution
18. State, Department of
19. Tennessee Valley Authority
20. Treasury, Department of the
21. United States Information Agency
22. Veterans Administration

This list does not include all agencies which may occupy or request assignment of space.

§ 101–47.4908 Bureau of the Budget Circular No. A–2.

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

Washington 25, D.C.

October 18, 1955 Circular No. A–2

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

Subject: Review of real property holdings (other than public domain)

1. *Purpose.* It is desirable that the Federal Government divest itself of real property holdings which are not needed. The head of each agency is requested personally to ensure that intensified action is taken to identify and declare as excess real properties which are not needed. The purpose of this Circular is to establish general guidelines for the accomplishment of this objective with respect to real properties within the continental United States, exclusive of the public domain.

2. *Policy guidelines.* Real properties or portions thereof generally shall be declared excess when:

a. They are not being used by the owning agency and there are no approved plans for future use.

b. Substantial net savings to the Government would result if properties used for essential purposes were sold at their current market values and other suitable properties of substantially lower current values were substituted for them.

c. The costs of operation and maintenance are substantially higher than for other suitable properties of equal or less value which can be made available by transfer, permit, or purchase.

d. They are being leased to private enterprise but could be sold under provisions of the leases and in accordance with existing laws, if the Government's requirements for goods or services produced on such properties would be met satisfactorily with the properties in private ownership.

e. They are being used by the Government to produce goods or services which are available from private enterprise, except when it is demonstrated clearly in each instance that it is not in the public interest to obtain such requirements from private enterprise.

3. *Financing arrangements.* It is recognized that, in some instances, action cannot be accomplished in accordance with these guidelines without first incurring expenses for which appropriate financing arrangements or legislation must be obtained. There should be no delay, however, in making the necessary studies and in submitting proposals for such financing arrangements or legislation, including estimates of replacement costs and ultimate net savings, as part of the budget submissions.

4. *Implementation.* The head of each agency should ensure that:

a. Instructions and criteria are developed and issued for the application of the guidelines established herein. It is requested that copies of such criteria and instructions be sent to the Bureau of the Budget by November 30, 1955.

b. Thorough reviews of real property holdings are initiated promptly and carried through on an annual basis.

c. Properties or portions of properties are declared excess without delay if continued ownership is not justified.

By direction of the President:

ROWLAND R. HUGHES,
Director.

§ 101–47.4909 Memorandum of the President dated May 21, 1956.

THE WHITE HOUSE

Washington, May 21, 1956

MEMORANDUM FOR THE HEADS OF ALL EXECUTIVE DEPARTMENTS AND AGENCIES

In order that the leasing of farm lands owned by the Federal Government shall be consistent with the Administration's determined effort to reduce price-depressing surpluses and to bring agricultural production into line with markets, I request that the following-described policies governing the leasing of farm lands by the Federal Government, to the extent that such policies are not inconsistent with law, be placed in effect by all departments and agencies concerned on the effective date of this memorandum:

1. Except as provided in paragraphs 2 and 4 hereof, leases of farm lands made by the Federal Government on or after the effective date of this memorandum shall prohibit the cultivation of price-supported crops in surplus supply.

2. In the case of acquisitions of farm lands by the Federal Government on or after the effective date of this memorandum, if price-supported crops in surplus supply are growing on such lands at the time of acquisition, the harvesting of such crops may be permitted.

3. No lease of farm lands by the Federal Government which is in effect on the effective date hereof shall be terminated under authority of this memorandum, but this memorandum shall not be construed to affect any authority which may otherwise exist for the termination of any such lease.

4. Upon the expiration of leases of farm lands by the Federal Government which do not prohibit the cultivation of price-supported crops in surplus supply (including those in effect on the effective date of this memorandum, and including those made as provided for in this paragraph, but not including any agreement made with respect to harvesting pursuant to paragraph 2 of this memorandum), whether such lands may thereafter be leased for the cultivation of price-supported crops in surplus supply shall be determined equitably. The controlling department or agency, according to its particular circumstances, may make such determinations on an individual lease basis or on an area basis. In arriving at such determinations, consideration shall be given to the interests of individual farmers and the local community, the supply situation of crops that might be grown on the lands, the effect on price-support programs, the objectives of the programs under which such lands were acquired or reserved, and maintenance savings and income to the Federal Government. If it is at any time determined, pursuant to this paragraph, that a lease of farm lands by the Federal Government shall prohibit the cultivation of price-supported crops in surplus supply, any lease of such lands made at any time thereafter by the Federal Government shall prohibit the cultivation of such crops.

5. In determining the acreage in each unit of farm land to be offered for lease by the Federal Government, consideration shall be given to the leasing of such land for family-size farm operations.

6. As used in this memorandum:

(a) The term "lease" shall include permits and licenses.

(b) The term "price-supported crops in surplus supply" shall mean those cultivated crops supported pursuant to the Agricultural Act of 1949, as amended and supplemented, and determined from time to time by the Secretary of Agriculture to be in surplus supply.

7. To insure that the leasing of farm lands by the Federal Government shall be consistent with the Administration's farm program, the Department of Agriculture, until such time as some appropriate interagency group or committee may be designated, shall be available as a focal agency for consultation in such matters.

8. All departments and agencies concerned shall submit to the Bureau of the Budget within sixty days from the date of this memorandum copies of implementing instructions to their operating organizations.

This memorandum shall become effective sixty days after the date hereof.

DWIGHT D. EISENHOWER

§ 101–47.4910 Field offices of Department of Health, Education, and Welfare to receive notices of availability.

Region and Jurisdiction	*Address and Telephone*
Region I—Maine, New Hampshire, Vermont, Connecticut, Massachusetts, and Rhode Island.	Regional Representative, Surplus Property Utilization Division, 120 Boylston Street, Boston, Mass. 02116. Phone: 482–6550 (Area Code 617).
Region II—Delaware, New York, New Jersey, and Pennsylvania.	Regional Representative, Surplus Property Utilization Division, Room 1200, 42 Broadway, New York, N.Y. 10004. Phone: 363–4031 (Area Code 212).

[1] Attach as many copies of the notice as may be anticipated will be required for adequate posting.

Region and Jurisdiction	*Address and Telephone*
Region III—District of Columbia, Kentucky, Maryland, North Carolina, Puerto Rico, Virgin Islands, Virginia, and West Virginia.	Regional Representative, Surplus Property Utilization Division, 700 East Jefferson Street, Charlottesville, Va. 22901. Phone: 296-5171 (Area Code 703).
Region IV—Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee.	Regional Representative, Surplus Property Utilization Division, Room 404, 50 Seventh Street NE., Atlanta, Ga. 30323. Phone: TRinity 6-8311 (Area Code 404).
Region V—Illinois, Indiana, Michigan, Ohio, and Wisconsin.	Regional Representative, Surplus Property Utilization Division, Room 712, 433 West Van Buren Street, Chicago, Ill. 60607. Phone: 828-5197 (Area Code 312).
Region VI—Iowa, Missouri, North Dakota, South Dakota, Kansas, Minnesota, and Nebraska.	Regional Representative, Surplus Property Utilization Division, 560 Westport Road, Kansas City, Mo. 64111. Phone: BAltimore 1-7000 (Area Code 816).
Region VII—Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.	Regional Representative, Surplus Property Utilization Division, 1114 Commerce Street, Dallas, Tex. 75202. Phone: 749-3385 (Area Code 214).
Region VIII—Colorado, Idaho, Montana, Utah, and Wyoming.	Regional Representative, Surplus Property Utilization Division, Room 551, 621 17th Street, Denver, Colo. 80202. Phone: 534-4151 (Area Code 303).
Region IX—Arizona, California, Nevada, Oregon, Washington, Alaska, and Hawaii.	Regional Representative, Surplus Property Utilization Division, 447 Federal Office Building, Civic Center, San Francisco, Calif. 94102. Phone: 556-6651 (Area Code 415).

§ 101-47.4911 Outline for explanatory statements for negotiated sales.

EXPLANATORY STATEMENT OF PROPOSED NEGOTIATED DISPOSAL OF SURPLUS REAL PROPERTY SUBMITTED PURSUANT TO THE PROVISIONS OF SECTION 203(e)(6) OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED

Property: (Property designation and case No.).
Location:
Reported excess by: (Holding agency and date).
Date surplus:
Description:
Acquisition cost and date: (Line item separation between land, improvements, and related personal property).
All income received from rentals:
Appraised fair market value:
Appraised by: (Name and date—If not a contract appraiser, state briefly the reason another appraisal method was authorized).
Proposed purchase price:
Proposed purchaser:
Proposed use:
Background and justification:

§ 101-47.4912 Field offices of Department of the Interior, Bureau of Outdoor Recreation.

Area	*Field office addresses*
Northeast Region—Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia.	Regional Director, Region 6, Bureau of Outdoor Recreation, 143 South Third St., Philadelphia, Pa. 19106.
Southeast Region—Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Tennessee, South Carolina, Puerto Rico, Virgin Islands, and Virginia.	Regional Director, Region 5, Bureau of Outdoor Recreation, Post Office Box 1202, Atlanta, Ga. 30301.
Lake Central Region—Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.	Regional Director, Region 4, Bureau of Outdoor Recreation, Post Office Box 351, Downtown Station, Ann Arbor, Mich. 48107.
Mid-Continent Region—Colorado, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.	Regional Director, Region 3, Bureau of Outdoor Recreation, Hartford Bldg., 7860 West 16th Ave., Denver, Colo. 80215.
Pacific Northwest Region—Alaska, Idaho, Montana, Oregon, and Washington.	Regional Director, Region 1, Bureau of Outdoor Recreation, Room 310—U.S. Court House, Seattle, Wash. 98104.
Pacific Southwest Region—Arizona, California, Hawaii, and Nevada.	Regional Director, Region 2, Bureau of Outdoor Recreation, 180 New Montgomery St., San Francisco, Calif. 94105.

§ 101-47.4913 Outline for protection and maintenance of excess and surplus real property.

A. *General.* In protecting and maintaining excess and surplus properties, the adoption of the principle of "calculated risk" is considered to be essential. In taking what is termed a "calculated risk," the expected losses and deteriorations in terms of realizable values are anticipated to be less in the overall than expenditures to minimize the risks. In determining the amount of protection to be supplied under this procedure, a number of factors should be considered; such as, the availability of, and the distance to, local, public, or private protection facilities; the size and value of the facility; general characteristics of structures; physical protection involving fencing, number of gates, etc.; the location and availability of communication facilities; and the amount and type of activity at the facility. Conditions at the various excess and surplus properties are so diverse that it is impracticable to establish a definite or fixed formula for determining the extent of protection and maintenance that should be applied. The standards or criteria set forth in B and C, below, are furnished as a guide in making such determinations.

B. *Protection Standards.* The following standards are furnished as a guide in determining the amount and limits of protection.

1. *Properties not Requiring Protection Personnel.* Fire protection or security personnel are not needed at:

(a) Facilities where there are no structures or related personal property;

(b) Facilities where the realizable or recoverable value of the improvements and related personal property subject to loss is less than the estimated cost of protection for a one-year period;

(c) Facilities of little value located within public fire and police department limits, which can be locked or boarded up;

(d) Facilities where the major buildings are equipped with automatic sprinklers, supervised by American District Telegraph Company or other central station service, which do not contain large quantities of readily removable personal property, and which are in an area patrolled regularly by local police; and

(e) Facilities where agreements can be made with a lessee of a portion of the property to protect the remaining portions at nominal, or without additional cost.

2. *Properties Requiring a Resident Custodian.* A resident custodian or guard only is required at facilities of the following classes:

(a) Facilities containing little removable personal property but having a considerable number of buildings to be sold for off-site use when (a) the buildings are of low realizable value and so spaced that loss of more than a few buildings in a single fire is improbable, or (b) the buildings are so located that water for firefighting purposes is available and municipal or other fire department services will respond promptly;

(b) Small, inactive industrial and commercial facilities which must be kept open for inspection and which are so located that public fire and police protection can be secured by telephone;

(c) Facilities where the highest and best use has been determined to be salvage; and

(d) Facilities of little, or salvage, value but potentially dangerous and attractive to children and curiosity seekers where the posting of signs is not sufficient to protect the public.

3. *Properties Requiring Continuous Guard Service.* One guard on duty at all times (a total of 5 guards required) is required at facilities of high market value which are fenced; require only one open gate which can be locked during patrols; all buildings of which can be locked; and where local police and fire protection can be secured by telephone.

4. *Properties Requiring High Degree of Protection.* More than one firefighter-guard will be required to be on duty at all times at facilities of the classes listed below. The number, and the assignment, of firefighter-guards in such cases should be determined by taking into consideration all pertinent factors.

(a) Facilities of high market value which are distant from public assistance and require an on-the-site firefighting force adequate to hold fires in check until outside assistance can be obtained.

(b) Facilities of high market value which can obtain no outside assistance and require an on-the-site firefighting force adequate to extinguish fires.

(c) Facilities of high market value at which the patrolling of large areas is necessary.

(d) Facilities of high market value not fenced and containing large quantities of personal property of a nature inviting pilferage.

(e) Facilities of high market value at which several gates must be kept open for operating purposes.

5. *Standards for All Protected Properties.*

(a) All facilities within the range of municipal or other public protection, but outside the geographic limits of such public body, should be covered by advance arrangements with appropriate authorities for police and fire protection service, at a monthly or other service fee if necessary.

(b) Patrolling of all facilities with large areas to be protected should be accomplished by use of automotive vehicles.

(c) At fenced facilities, a minimum number of gates should be kept open.

6. *Firefighter-Guards.* Firefighters and guards are the normal means for carrying out the fire protection and security programs at excess and surplus real properties where both such programs are required. The duties of firefighters and guards should be combined to the maximum extent possible in the interest of both economy and efficiency. Such personnel would also be available in many cases for other miscellaneous services, such as, removing grass and weeds or other fire hazards, servicing fire extinguishers, and other activities related to general protection of property.

7. *Operating Requirements of Protection Units.* Firefighter-guards or guards, should be required to make periodic rounds of facilities requiring protection. The frequency of these rounds would be based upon a number of factors; such as, location and size of the facility, type of structures and physical barriers, and the amount and type of activity at the facility. There may be instances where some form of central station supervision, such as American District Telegraph Company, will effect reduction in costs by reducing the number of firefighter-guards, or guards, required to adequately protect the premises.

8. *Watchman's Clock.* To insure adequate coverage of the entire property by the guards, or firefighter-guards, an approved watchman's clock should be provided, with key stations strategically located so that, in passing from one to the other, the guards will cover all portions of the property.

9. *Protection Alarm Equipment.* Automatic fire detection devices and allied equipment and services may materially assist in minimizing protection costs. However, use of devices of this type, like guards, are purely secondary fire protection and are primarily a means of obtaining fire and police protection facilities at the property in an emergency. There are various types of devices, each of which can be considered separately or in combination as supplementing guard patrols, which may assist in reduction of costs and, in some instances, it may be possible to eliminate all guards.

C. *Maintenance Standards.* The following standards or criteria are furnished as a guide in connection with the upkeep of excess and surplus real properties:

1. *Temporary Type Buildings and Structures.* Temporary buildings housing personal property which cannot be readily removed to permanent type storage should be maintained only to the extent necessary to protect the personal property. Vacant temporary structures should not be maintained except in unusual circumstances.

2. *Permanent Type Buildings and Structures.*

(a) No interior painting should be done. Where exterior wood or metal surfaces require treatment to prevent serious deterioration, spot painting only should be done when practicable.

(b) Carpentry and glazing should be limited to: work necessary to close openings against weather and pilferage; making necessary repairs to floors, roofs, and sidewalls as a protection against further damage; shoring and bracing of structures to preclude structural failures; and similar operations.

(c) Any necessary roofing and sheet metal repairs should, as a rule, be on a patch basis.

(d) Masonry repairs, including brick, tile, and concrete construction, should be undertaken only to prevent leakage or disintegration, or to protect against imminent structural failure.

(e) No buildings should be heated for maintenance purposes except in unusual circumstances.

3. *Mechanical and Electrical Installations.* These include plumbing, heating, ventilating, air conditioning, sprinkler systems, fire alarm systems, electrical equipment, elevators, and similar items.

(a) At facilities in inactive status, maintenance of mechanical and electrical installations should be limited to that which is necessary to prevent or arrest serious deterioration. In most cases, personnel should not be employed for this work except on a temporary basis at periodic intervals when it is determined by inspections that the work is necessary. Wherever possible electrical systems should be deenergized, water drained from all fixtures, heat turned off, and buildings secured against unauthorized entry. Sprinkler systems should be drained during freezing weather and reactivated when danger of freezing has passed.

(b) At facilities in active status, such as multiple-tenancy operations, equipment should be kept in reasonable operating condition. Operation of equipment to furnish services to private tenants, as well as the procurement of utility services for distribution to tenants, should be carried on only to the extent necessary to comply with lease or permit conditions, or in cases where it is impracticable for tenants to obtain such services directly from utility companies or other sources.

(c) At facilities where elevators and/or high-pressure boilers and related equipment are in operation, arrangements should be made for periodic inspections by qualified and licensed inspectors to insure that injury to personnel, loss of life, or damage to property does not occur.

(d) Individual heaters should be used, when practicable, in lieu of operating heating plants.

4. *Grounds, Roads, Railroads, and Fencing.*

(a) Maintenance of grounds should be confined largely to removal of vegetation where necessary to avoid fire hazards and to control poisonous and noxious plant growth in accordance with local and State laws and regulations; plowing of fire lanes where needed; and removal of snow from roads and other areas only to the extent necessary to provide access for maintenance, fire protection, and similar activities. Wherever practicable, hay crops should be sold to the highest bidders with the purchaser performing all labor in connection with cutting and removal. Also, agricultural and/or grazing leases may be resorted to, if practicable, as other means of reducing the cost of grounds maintenance. Any such leases shall be subject to the provisions of § 101–47.203–9 or § 101–47.312.

(b) Only that portion of the road network necessary for firetruck and other minimum traffic should be maintained. The degree to which such roads are to be maintained should be only that necessary to permit safe passage at a reasonable speed.

(c) Railroads should not be maintained except as might be required for protection and maintenance operations, or as required under the provisions of a lease or permit.

(d) Ditches and other drainage facilities should be kept sufficiently clear to permit surface water to run off.

(e) Fencing, or other physical barrier, should be kept in repair sufficiently to afford protection against unauthorized entry.

5. *Utilities.*

(a) At inactive properties, water systems, sewage disposal systems, electrical distribution systems, etc., should be maintained only to the extent necessary to provide the minimum services required. Buildings or areas not requiring electrical service or water should be deenergized electrically and the water valved off. Utilities not in use, or which are serving dismantled or abandoned structures, should not be maintained.

(b) At active properties, water supply, electrical power, and sewage disposal facilities frequently must be operated at rates much below designed capacities. Engineering studies should determine the structural and operating changes necessary for maximum economy. Where leakage is found in water distribution lines, such lines may be valved off rather than repaired, unless necessary for fire protection or other purposes.

(c) Where utilities are purchased by contract, such contracts should be reviewed to determine if costs can be reduced by revision of the contracts.

6. *Properties to be Disposed of as Salvage.* No funds should be expended for maintenance on properties where the highest and best use has been determined to be salvage.

D. *Repairs.* Repairs should be limited to those additions or changes that are necessary for the preservation and maintenance of the property to deter or prevent excessive, rapid, or dangerous deterioration or obsolescence and to restore property damaged by storm, flood, fire, accident, or earthquake only where it has been determined that restoration is required.

E. *Improvements.* No costs should be incurred to increase the sales value of a property, and no costs should be incurred to make a property disposable without the prior approval of GSA. (See § 101–47.401–5.)

Effective date. These regulations are effective December 22, 1964.

Dated: November 20, 1964.

LAWSON B. KNOTT, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 64–12287; Filed, Dec. 2, 1964; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 5084]

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT [NEW]

This amendment adds Part 29 [New] to the Federal Aviation Regulations to replace Part 7 of the Civil Air Regulations, and is a part of the Agency recodification program announced in Draft Release 61–25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

Part 29 [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on May 28, 1964 (29 F.R. 7050), and given further distribution as Notice No. 64–30.

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as this one, are labeled "[New]". The label will be dropped at the completion of the project as all of the regulations will be new.

Many of the comments received recommended specific substantive changes to the regulations. Many of these recommendations appear to be meritorious. However, they cannot be adopted as a part of the recodification program, since the purpose of the program is simply to streamline and clarify present regulatory language and delete obsolete or redundant provisions. To attempt substantive changes, other than relaxatory ones that are completely noncontroversial, would delay the project and be contrary to the ground rules specified for it in Draft Release 61–25. However, all comments of this nature will be preserved and considered in any later substantive revision of this part.

Present CAR Part 7 reflects the various writing styles used by those who have worked on it in the past. Consistency in language is vital to consistency in interpretation and fairness in application, especially in technical, complex rules such as this one. The recodification has allowed us to use one style throughout Part 29 [New]. The style changes that have been made do not affect substance.

Part 29 [New] substitutes the word "must" for "shall". This has been done because airworthiness standards are conditions precedent that must be met for the issue of a type certificate. The imperative "shall" would be inappropriate since the failure to meet these standards simply results in a denial of the certificate without further penalty.

The sections in Part 29 [New] have been rearranged and renumbered so that the requirements of this part have the same number as comparable requirements in Parts 23 [New], 25 [New], and 27 [New]. This explains apparent gaps in section numbers in this part, such as that between § 29.79 *Limiting height-speed envelope* and § 29.141 *General*. (This gap, for instance, is assigned to the turbine engine performance requirements of Part 25 [New], and includes the normal "growth" gap between subtopics). Comparative review of specific requirements between airworthiness parts is greatly facilitated by this rearrangement, and has already resulted, for example, in the deletion of §§ 7.202(c), 7.331, 7.433, 7.600, 7.602, 7.610, 7.620, 7.700(a), and 7.744 as surplusage. Further, this rearrangement allows more efficient review of all parts in the light of comments received on any single part. For example, a comment received on Part 23 [New] has resulted in the deletion of all but the last sentence of the requirement that now appears in § 29.607. As industry becomes acquainted with the new format, the effectiveness of comments received should be greatly magnified.

As was stated in the preamble of the notice of proposed rule making of Part 29, those definitions in present Part 7 (and not now in Part 1 or executed in this part) that are necessary will be recodified with the definitions of other airworthiness parts and added to Part 1 [New]. The detailed disposition of § 7.1 in the distribution table should resolve most definition problems that may arise.

The definitions, abbreviations, and rules of construction in Part 1 [New] of the Federal Aviation Regulations apply to Part 29 [New].

The most significant changes to Part 29 since the notice are listed below. The numbers in parentheses refer to the section numbers in the notice and in former Part 7, respectively.

(1) In § 29.143 (29.71) (7.121), paragraph (b), subparagraph (2) has been deleted from the section as it appeared in the notice. This effectuates the second paragraph of the preamble in CAR amendment 6–4, effective October 1, 1959, in which it was intended that 6.121 be revised to replace the requirement for a demonstration of controlability after power failure at only one high speed condition, namely 6.121(c), with a requirement for controllability after power failure over the range of airspeeds and altitudes for which certification is sought, namely 6.121(e). While the amendment modified Part 6, its applicability to Part 7 is desirable and apparent. Insofar as the intended deletion was not made in the rule at that time and both requirements remained outstanding, the deletion of 7.121(c) at this time is relaxatory.

(2) The Aerospace Industries Association, Inc. (AIA) suggested that the word "maximum" between "A" and "wind velocity" in § 27.143 (27.65) (6.121) was ambiguous, since in context it could refer either to a performance maximum or to the "maximum" safe wind for operation near the ground in § 27.1587 (27.789) (6.743). This comment is relevant to Part 29. Since ultimate performance capability need not be shown under § 29.143, the word "maximum" has been deleted.

(3) In § 29.301 (29.121) (7.200), the descriptions of limit and ultimate loads have been put back in. It is felt that their utility will be greater in the basic rule than in Part 1 [New].

(4) As a result of a comment from AIA, § 29.397 (29.165) (7.225) has been revised. The major change is to paragraph (b), which now reflects the original language in Part 7 with only stylistic changes. This was done to assure preservation of existing practices with respect to the application of the factor "0.60". It is recognized that § 7.225(a) is confusing and that substantive review of that paragraph is necessary.

(5) In § 29.601 (29.251) (7.300), the reference to experience as an element in determining which "hazardous or unreliable" features are covered by the rule has been put back in. This change was made at the request of AIA and is clarifying only.

(6) In § 29.611 (29.261) (7.305), paragraph (a), "periodic inspection" has been replaced with "recurring inspection". This avoids any potential conflict between the intent in the subject section to cover all inspections that occur at regular intervals and the more specific use of the term "periodic inspection" in Parts 43 [New] and 91 [New].

(7) AIA suggested that the language in § 29.775 (29.355) (7.352) be revised to make it clear that (1) materials other than glass may be used in the windows and (2) only glass panes need contain nonsplintering safety glass. This has been done.

(8) In § 29.785 (29.361) (7.355), paragraph (f), the phrase "an occupant" has been added between "designed for" and "weight". This was done to make it clear that the weight of the seat itself is not included within the meaning of this paragraph.

(9) In § 29.807 (29.365) (7.357), paragraph (a), the note following 7.357(a) has been added as a flush paragraph. It was inadvertently omitted in the notice.

(10) Aero Flow Dynamics, Inc. suggested that the heading and language in § 29.997 (29.509) (7.435) be conformed to that in other airworthiness Parts. This has been done.

(11) As a result of a comment from AIA, the "two shot" requirements of § 29.1195 (29.639) (7.484) have been modified to make it clear that the two shot capability need only be provided by a single fire extinguishing system.

(12) In § 29.1307 (29.675) (7.605), paragraph (i), a cross reference to § 29.1145 has been provided to make it clear that ganged ignition switches may be used to satisfy the subject paragraph. This was done in response to a comment from AIA.

(13) Section 29.1309 (29.677) (7.625) has been revised to make it clear, as in the original rule, that the general requirement of guarding against hazard in the event of malfunction or failure applies to all equipment, systems, and installations, not only to those whose functioning is necessary to show compliance with any regulation in this subchapter.

(14) At the suggestion of AIA, § 29.1505 (29.823) (7.711), paragraph

(b), has been reworded to clarify the permissive aspect of this section.

Other minor changes of a technical clarifying nature have been made. They are not substantive and do not impose any burden on regulated persons.

In the notice, it was proposed to convert references to "miles" and "miles per hour" to their exact nautical equivalents. Many formulae have been derived under the existing system. The effect of rounding off to the nearest whole number is unclear in certain cases. Although specifically invited, few comments have been received on this problem. Because of this it is felt that wholesale conversion should be made separately at a later date.

Interested persons have been given an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. The Agency is appreciative of the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, Chapter I of Title 14 of the Code of Federal Regulations is amended as follows, effective February 1, 1965.

1. By deleting Part 7.

2. By adding a Part 29 [New] reading as hereinafter set forth.

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

N. E. HALABY,
Administrator.

AUTHORITY: The provisions of this Part 29 issued under secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423.

Subpart A—General

§ 29.1 Applicability.

(a) This part prescribes airworthiness standards for the issue of type certificates, and changes to those certificates, for—

(1) Multiengine rotorcraft that meet the requirements for transport category A;

(2) Rotorcraft with maximum weights of 20,000 pounds or less that meet the requirements for transport category B; and

(3) Multiengine rotorcraft that meet the requirements for transport category A or B.

(b) Each person who applies under Part 21 [New] for a certificate or change described in paragraph (a) of this section must show compliance with the applicable requirements of this part.

Subpart B—Flight

GENERAL

§ 29.21 Proof of compliance.

(a) Each requirement of this subpart must be met at each appropriate combination of weight and center of gravity within the range of loading conditions for which certification is requested. This must be shown—

(1) By tests upon a rotorcraft of the type for which certification is requested, or by calculations based on, and equal in accuracy to, the results of testing; and

(2) By systematic investigation of each required combination of weight and center of gravity, if compliance cannot be reasonably inferred from combinations investigated.

(b) The controllability, stability, and trim of the rotorcraft must be shown for each altitude up to the maximum expected in operation.

§ 29.25 Weight limits.

(a) *Maximum weight.* The maximum weight (the highest weight at which compliance with each applicable requirement of this part is shown) or, at the option of the applicant, the highest weight for each altitude and for each practicably separable operating condition, such as takeoff, en route operation, and landing, must be established so that it is not more than—

(1) The highest weight selected by the applicant;

(2) The design maximum weight (the highest weight at which compliance with each applicable structural loading condition of this part is shown); or

(3) The highest weight at which compliance with each applicable flight requirement of this part is shown.

(b) *Minimum weight.* The minimum weight (the lowest weight at which compliance with each applicable requirement of this part is shown) must be established so that it is not less than—

(1) The lowest weight selected by the applicant;

(2) The design minimum weight (the lowest weight at which compliance with each structural loading condition of this part is shown); or

(3) The lowest weight at which compliance with each applicable flight requirement of this part is shown.

§ 29.27 Center of gravity limits.

The extreme forward and the extreme aft center of gravity must be established for each weight established under § 29.25. Such an extreme may not lie beyond—

(a) The extremes selected by the applicant;

(b) The extremes within which the structure is proven; or

(c) The extremes within which compliance with the applicable flight requirements is shown.

§ 29.29 Empty weight and corresponding center of gravity.

(a) The empty weight and corresponding center of gravity must be determined by weighing the rotorcraft without the crew and payload, but with—

(1) Fixed ballast;

(2) Unusable fuel;

(3) Undrainable oil;

(4) Engine coolant; and

(5) Hydraulic fluid.

(b) The condition of the rotorcraft at the time of determining empty weight must be one that is well defined and can be easily repeated, particularly with respect to the weights of fuel, oil, coolant, and installed equipment.

§ 29.31 Removable ballast.

Removable ballast may be used in showing compliance with the flight requirements of this subpart.

§ 29.33 Main rotor speed and pitch limits.

(a) *Main rotor speed limits.* A range of main rotor speeds must be established that—

(1) With power on, provides adequate margin to accommodate the variations in rotor speed occurring in any appropriate maneuver, and is consistent with the kind of governor or synchronizer used; and

(2) With power off, allows each appropriate autorotative maneuver to be performed throughout the ranges of airspeed and weight for which certification is requested.

(b) *Normal main rotor pitch limits.* The range of main rotor pitch settings must be limited as follows:

(1) A means must be provided so that the normal high pitch limit, with full throttle, does not result in rotor speeds

substantially less than the minimum approved for any sustained flight condition. This means need not be provided, however, if—

(i) The inherent characteristics of the rotorcraft make it unnecessary; or

(ii) There are adequate means to warn the pilot of unsafe main rotor speeds.

(2) With power off, the low pitch limit must—

(i) Provide rotor speeds within the approved range for autorotative conditions under the most critical combinations of weight and airspeed; and

(ii) Allow the pilot, without exceptional skill, to prevent overspeeding of the rotor.

(c) *Emergency high pitch.* A main rotor pitch higher than the normal high pitch limit prescribed in paragraph (b)(1) of this section may be made available for emergency use if the normal high pitch limit cannot be exceeded inadvertently.

PERFORMANCE

§ 29.45 General.

(a) The performance prescribed in this subpart must be determined—

(1) With normal piloting skill;

(2) Without exceptionally favorable conditions; and

(3) With each powerplant accessory absorbing the amount of power that is normal for the flight condition being investigated.

(b) Compliance with the performance requirements of this subpart must be shown—

(1) For still air at sea level with a standard atmosphere;

(2) For the range of atmospheric variables selected by the applicant; and

(3) Where engine power affects performance, with air at 80 percent relative humidity, or 0.7″ Hg. vapor pressure, whichever is less.

§ 29.51 Takeoff data: general.

(a) The takeoff data required by §§ 29.53(b), 29.59, 29.63, and 29.67(a)(1) and (2) must be determined—

(1) At each weight, altitude, and temperature selected by the applicant; and

(2) With the operating engines within approved operating limitations.

(b) Takeoff data must—

(1) Be determined on a smooth, dry, hard surface; and

(2) Be corrected to assume a level takeoff surface.

(c) No takeoff made to determine the data required by this section may require exceptional piloting skill or alertness, or exceptionally favorable conditions.

§ 29.53 Takeoff: category A.

(a) *General.* The takeoff performance must be determined and scheduled so that, if one engine fails at any time after the start of takeoff, the rotorcraft can—

(1) Return to, and stop safely on, the takeoff area; or

(2) Continue the takeoff and climbout, and attain a configuration and airspeed allowing compliance with § 29.67(a)(2).

(b) *Critical decision point.* The critical decision point must be a combination of height and speed selected by the applicant in establishing the flight paths under § 29.59. The critical decision point must be obtained so as to avoid the critical areas of the limiting height-speed envelope established under § 29.79.

§ 29.59 Takeoff path: category A.

(a) The takeoff climbout path, and the rejected takeoff path must be established so that the takeoff, climbout, and rejected takeoff are accomplished with a safe, smooth transition between each stage of the maneuver. The takeoff may be begun in any manner if—

(1) The takeoff surface is defined; and

(2) Adequate safeguards are maintained to ensure proper center of gravity and control positions.

(b) The rejected takeoff path must be established with takeoff power on each engine from the start of takeoff to the critical decision point, at which point it is assumed that the critical engine becomes inoperative, and that the rotorcraft is brought to a safe stop with the remaining engines operating within approved operating limitations.

(c) The takeoff climbout path must be established with takeoff power on each engine from the start of takeoff to the critical decision point, at which point it is assumed that the critical engine becomes inoperative. With the remaining engines operating within approved operating limitations, the rotorcraft must be accelerated to the takeoff safety speed by the end of the rejected takeoff distance, and the climbout must be made—

(1) At not less than the takeoff safety speed used in meeting the rate of climb requirements of § 29.67(a)(1); and

(2) So that the airspeed and configuration used in meeting the climb requirement of § 29.67(a)(2) are attained.

§ 29.63 Takeoff: category B.

The takeoff and climbout must be established with the most unfavorable center of gravity. The takeoff may be begun in any manner if—

(a) The takeoff surface is defined;

(b) Adequate safeguards are maintained to ensure proper center of gravity and control positions; and

(c) A landing can be made safely at any point along the flight path if an engine fails.

§ 29.65 Category B climb: all engines operating.

(a) The steady rate of climb at V_Y must be determined for each category B rotorcraft—

(1) With maximum continuous power on each engine;

(2) With the landing gear retracted; and

(3) For the weights, altitudes, and temperatures for which certification is requested.

(b) For each category B rotorcraft except helicopters, the rate of climb determined under paragraph (a) of this section must provide a steady climb gradient of at least 1:6 under standard sea level conditions.

§ 29.67 Climb: one engine inoperative.

(a) For category A rotorcraft, the following apply:

(1) The steady rate of climb without ground effect must be at least 100 feet per minute for each weight, altitude, and temperature for which takeoff data are to be scheduled, with—

(i) The critical engine inoperative and the remaining engines within approved operating limitations;

(ii) The most unfavorable center of gravity for takeoff;

(iii) The landing gear extended;

(iv) The speed selected by the applicant; and

(v) Cowl flaps or other means of controlling the engine-cooling air supply in the position that provides adequate cooling at the temperatures and altitudes for which certification is requested.

(2) The steady rate of climb without ground effect must be at least 150 feet per minute for each weight, altitude, and temperature for which takeoff data are to be scheduled, with—

(i) The critical engine inoperative and the remaining engines at maximum continuous power;

(ii) The most unfavorable center of gravity for takeoff;

(iii) The landing gear retracted;

(iv) The speed selected by the applicant; and

(v) Cowl flaps or other means of controlling the engine-cooling air supply in the position that provides adequate cooling at the temperatures and altitudes for which certification is requested.

(3) The steady rate of climb, in feet per minute, at any altitude at which the rotorcraft is expected to operate, and at any weight within the range of weights for which certification is requested, must be determined with—

(i) The critical engine inoperative, and the remaining engines at the maximum continuous power available at each altitude;

(ii) The most unfavorable center of gravity;

(iii) The landing gear retracted;

(iv) The speed selected by the applicant; and

(v) Cowl flaps or other means of controlling the engine-cooling air supply in the position that provides adequate cooling at the temperatures and altitudes for which certification is requested.

(b) For multiengine category B helicopters meeting the requirements for category A in § 29.79, the steady rate of climb (or descent) must be determined at the speed for best rate of climb (or minimum rate of descent) with one engine inoperative and the remaining engines at maximum continuous power.

§ 29.71 Helicopter angle of glide: category B.

For each category B helicopter, the steady angle of glide must be determined in autorotation—

(a) At the maximum and minimum rates of descent;

(b) At maximum weight; and

(c) With the optimum forward speed.

§ 29.73 Performance at minimum operating speed.

(a) For each category A rotorcraft, the hovering performance must be determined over the ranges of weight, altitude, and temperature for which takeoff data are scheduled—

(1) With not more than takeoff power on each engine;

(2) With the landing gear extended; and

(3) At a height consistent with the procedure used in establishing the takeoff climbout and rejected takeoff paths.

(b) For each category B helicopter—

(1) The hovering performance must be determined over the ranges of weight, altitude, and temperature for which certification is requested, with—

(i) Takeoff power on each engine;

(ii) The landing gear extended; and

(iii) The helicopter in ground effect at a height consistent with normal takeoff procedures; and

(2) The hovering ceiling determined under subparagraph (1) of this paragraph must be at least 4,000 feet with maximum weight and standard atmosphere.

(c) For rotorcraft other than helicopters, the steady rate of climb at the minimum operating speed must be determined, over the ranges of weight, altitude, and temperature for which certification is requested, with—

(1) Takeoff power; and

(2) The landing gear extended.

§ 29.75 Landing.

(a) *General.* For each rotorcraft—

(1) The corrected landing data must—

(i) Be determined on a smooth, dry, hard surface; and

(ii) Assume a level landing surface;

(2) The approach and landing may not require exceptional piloting skill or exceptionally favorable conditions;

(3) The landing must be made without excessive vertical acceleration or tendency to bounce, nose over, ground loop, porpoise, or water loop; and

(4) The landing data required by paragraphs (b) and (c) of this section and by § 29.77 must be determined—

(i) At each weight, altitude, and temperature selected by the applicant; and

(ii) With each operating engine within approved operating limitations.

(b) *Category A.* For category A rotorcraft—

(1) The landing performance must be determined and scheduled so that, if one engine fails at any point in the approach path, the rotorcraft can either land and stop safely or climb out from a point in the approach path and attain a rotorcraft configuration and speed allowing compliance with the climb requirement of § 29.67(a)(2);

(2) The approach, balked landing, and landing paths must be established, with one engine inoperative, so that the transition between each stage can be made smoothly and safely;

(3) The approach and landing speeds must be selected by the applicant and must be appropriate to the type of rotorcraft;

(4) The approach and landing path must be established to avoid the critical areas of a limiting height-speed envelope established—

(i) Under § 29.79; or

(ii) For the landing condition with one engine inoperative;

(5) It must be possible to make a safe landing on a prepared landing surface after complete power failure occurring during normal cruise; and

(6) The maximum allowable rate of descent in autorotation must be determined.

(c) *Category B.* For each category B rotorcraft—

(1) The horizontal distance required to land and come to a complete stop (or to a speed of approximately three m.p.h. for water landings), from a point 50 feet above the landing surface, must be determined with—

(i) Glide speeds appropriate to the type of rotorcraft and chosen by the applicant; and

(ii) The approach and landing made with power off and entered from steady autorotation; and

(2) Each multiengine category B rotorcraft that meets the powerplant installation requirements for category A must meet the requirements of—

(i) Subparagraph (1) of this paragraph; or

(ii) Paragraph (b)(2) through (6) of this section:

§ 29.77 Balked landing: category A.

For category A rotorcraft, the balked landing path must be established so that—

(a) With one engine inoperative, the transition from each stage of the maneuver to the next stage can be made smoothly and safely; and

(b) From a combination of height and speed in the approach path selected by the applicant, a safe climbout can be made at speeds allowing compliance with the climb requirements of § 29.67(a)(1) and (2).

§ 29.79 Limiting height-speed envelope.

(a) If there is any combination of height and forward speed (including hover) under which a safe landing cannot be made under the applicable power failure condition in paragraph (b) of this section, a limiting height-speed envelope must be established for that condition.

(b) The applicable power failure conditions are—

(1) For category A rotorcraft, sudden failure of the critical engine with the remaining engines at takeoff power;

(2) For category B rotorcraft, complete power failure; and

(3) For multiengine, category B rotorcraft for which certification under the powerplant installation requirements of category A is requested, the condition specified in either subparagraph (1) or (2) of this paragraph.

FLIGHT CHARACTERISTICS

§ 29.141 General.

The rotorcraft must—

(a) Meet the requirements of this section and of §§ 29.143, 29.161, and 29.171 through 29.175—

(1) At the normally expected operating altitudes;

(2) Under any critical loading condition within the range of weights and centers of gravity for which certification is requested; and

(3) Under any condition of speed, power, and rotor r.p.m. for which certification is requested;

(b) Be able to maintain any required flight condition and make a smooth transition from any flight condition to any other flight condition without exceptional piloting skill, alertness or strength, and without danger of exceeding the limit load factor under any operating condition probable for the type, including sudden powerplant failure; and

(c) Have any additional characteristics required for night or instrument operation, if certification for those kinds of operation is requested.

§ 29.143 Controllability and maneuverability.

(a) The rotorcraft must be safely controllable and maneuverable—

(1) During steady flight; and

(2) During any maneuver appropriate to the type, including—

(i) Takeoff;

(ii) Climb;

(iii) Level flight;

(iv) Turning flight;

(v) Glide; and

(vi) Landing (power on and power off).

(b) The margin of cyclic control must allow satisfactory roll and pitch control at V_{NE}, with—

(1) Maximum weight;

(2) Critical center of gravity;

(3) Critical rotor r.p.m.; and

(4) Power on and power off.

(c) A wind velocity of not less than 20 miles per hour must be established in which the rotorcraft can be operated without loss of control on or near the ground in any maneuver appropriate to the type (such as crosswind takeoffs, sideward flight, and rearward flight), with—

(1) Critical center of gravity; and

(2) Critical rotor r.p.m.

(d) The rotorcraft, after power failure, must be controllable over the range of speeds and altitudes for which certification is requested, when the power failure occurs with maximum continuous power and critical weight. No corrective action time delay for any condition following power failure may be less than—

(1) For the cruise condition, one second, or normal pilot reaction time (whichever is greater); and

(2) For any other condition, normal pilot reaction time.

§ 29.161 Trim control.

The trim control—

(a) Must trim any steady longitudinal and lateral control forces to zero in level flight at any appropriate speed; and

(b) May not introduce any undesirable discontinuities in control force gradients.

§ 29.171 Stability: general.

The rotorcraft must be able to be flown, without undue pilot fatigue or strain, in any normal maneuver for a period of time as long as that expected in normal operation. At least three landings and takeoffs must be made during this demonstration.

§ 29.173 Static longitudinal stability.

(a) The longitudinal cyclic control must be designed so that, for the ranges of altitude and rotor r.p.m. for which certification is requested, and with throttle and collective pitch held constant during the maneuvers specified in § 29.175—

(1) A rearward movement of the control is necessary to obtain airspeeds less than the trim speed; and

(2) A forward movement of the control is necessary to obtain airspeeds greater than the trim speed.

(b) The stick position versus speed curve may have a negative slope within the speed ranges specified for each maneuver in § 29.175 (a) through (c) if the necessary negative stick travel is not greater than ten percent of the total stick travel.

§ 29.175 Demonstration of static longitudinal stability.

(a) *Climb.* Static longitudinal stability must be shown in the climb condition at speeds from 0.85 V_Y to 1.2 V_Y, with—

(1) Critical weight;
(2) Critical center of gravity;
(3) Maximum continuous power;
(4) The landing gear retracted; and
(5) The rotorcraft trimmed at V_Y.

(b) *Cruise.* Static longitudinal stability must be shown in the cruise condition at speeds from 0.7 V_H or 0.7 V_{NE}, whichever is less, to 1.1 V_H or 1.1 V_{NE}, whichever is less, with—

(1) Critical weight;
(2) Critical center of gravity;
(3) Power for level flight at 0.9 V_H or 0.9 V_{NE}, whichever is less;
(4) The landing gear retracted; and
(5) The rotorcraft trimmed at 0.9 V_H or 0.9 V_{NE}, whichever is less.

(c) *Autorotation.* Static longitudinal stability must be shown in autorotation throughout the speed range for which certification is requested, with—

(1) Critical weight;
(2) Critical center of gravity;
(3) Power off;
(4) The landing gear (i) retracted and (ii) extended; and
(5) The rotorcraft trimmed at the speed for minimum rate of descent.

(d) *Hovering.* For helicopters in the hovering condition—

(1) The longitudinal cyclic control must operate with the sense and direction of motion prescribed in § 29.173; and

(2) The stick position curve must have a stable slope, between the maximum approved rearward speed and a forward speed of 20 miles per hour, with—

(i) The determined hovering weight (for category A helicopters), or critical weight (for other helicopters);
(ii) The critical center of gravity;
(iii) Power required for hovering in still air;
(iv) The landing gear retracted; and
(v) The helicopter trimmed for hovering.

GROUND AND WATER HANDLING CHARACTERISTICS

§ 29.231 General.

The rotorcraft must have satisfactory ground and water handling characteristics, including freedom from uncontrollable tendencies in any condition expected in operation.

§ 29.235 Taxiing condition.

The rotorcraft must be designed to withstand the loads that would occur when the rotorcraft is taxied over the roughest ground that may reasonably be expected in normal operation.

§ 29.239 Spray characteristics.

If certification for water operation is requested, no spray characteristics during taxiing, takeoff, or landing may obscure the vision of the pilot or damage the rotors, propellers, or other parts of the rotorcraft.

§ 29.241 Ground resonance.

The rotorcraft may have no dangerous tendency to oscillate on the ground with the rotor turning.

MISCELLANEOUS FLIGHT REQUIREMENTS

§ 29.251 Vibration.

Each part of the rotorcraft must be free from excessive vibration under each appropriate speed and power condition.

Subpart C—Strength Requirements

GENERAL

§ 29.301 Loads.

(a) Strength requirements are specified in terms of limit loads (the maximum loads to be expected in service) and ultimate loads (limit loads multiplied by prescribed factors of safety). Unless otherwise provided, prescribed loads are limit loads.

(b) Unless otherwise provided, the specified air, ground, and water loads must be placed in equilibrium with inertia forces, considering each item of mass in the rotorcraft. These loads must be distributed to closely approximate or conservatively represent actual conditions.

(c) If deflections under load would significantly change the distribution of external or internal loads, this redistribution must be taken into account.

§ 29.303 Factor of safety.

Unless otherwise provided, a factor of safety of 1.5 must be used. This factor applies to external and inertia loads unless its application to the resulting internal stresses is more conservative.

§ 29.305 Strength and deformation.

(a) The structure must be able to support limit loads without detrimental or permanent deformation. At any load up to limit loads, the deformation may not interfere with safe operation.

(b) The structure must be able to support ultimate loads without failure. This must be shown by—

(1) Applying ultimate loads to the structure in a static test for at least three seconds; or

(2) Dynamic tests simulating actual load application.

§ 29.307 Proof of structure.

(a) Compliance with the strength and deformation requirements of this subpart must be shown for each critical loading condition. Structural analysis may be used only if the structure conforms to those for which experience has shown this method to be reliable. In other cases, substantiating load tests must be made.

(b) Proof of compliance with the strength requirements of this subpart must include—

(1) Dynamic and endurance tests of rotors, rotor drives, and rotor controls;
(2) Limit load tests of the control system, including control surfaces;
(3) Operation tests of the control system;
(4) Flight stress measurement tests;
(5) Landing gear drop tests; and
(6) Any additional tests required for new or unusual design features.

§ 29.309 Design limitations.

The following values and limitations must be established to show compliance with the structural requirements of this subpart:

(a) The design maximum and design minimum weights.

(b) The main rotor r.p.m. ranges, power on and power off.

(c) The maximum forward speeds for each main rotor r.p.m. within the ranges determined under paragraph (b) of this section.

(d) The maximum rearward and sideward flight speeds.

(e) The center of gravity limits corresponding to the limitations determined under paragraphs (b), (c), and (d) of this section.

(f) The rotational speed ratios between each powerplant and each connected rotating component.

(g) The positive and negative limit maneuvering load factors.

FLIGHT LOADS

§ 29.321 General.

(a) The flight load factor must be assumed to act normal to the longitudinal axis of the rotorcraft, and to be equal in magnitude and opposite in direction to the rotorcraft inertia load factor at the center of gravity.

(b) Compliance with the flight load requirements of this subpart must be shown—

(1) At each weight from the design minimum weight to the design maximum weight; and

(2) With any practical distribution of disposable load within the operating limitations in the Rotorcraft Flight Manual.

§ 29.337 Limit maneuvering load factor.

The rotorcraft must be designed for—

(a) A positive limit maneuvering load factor of 3.5 and a negative limit maneuvering load factor of 1.0; or

(b) Any lesser positive limit maneuvering load factor not less than 2.0, and lesser negative limit maneuvering load factor not less than 0.5, for which—

(1) The probability of being exceeded is shown by analysis and flight tests to be extremely remote; and

(2) The selected values are appropriate to each weight condition between the design maximum and design minimum weights.

§ 29.339 Resultant limit maneuvering loads.

The loads resulting from the application of limit maneuvering load factors are assumed to act at the center of each rotor hub and at each auxiliary lifting surface, and to act in directions and with distributions of load among the rotors and auxiliary lifting surfaces, so as to represent each critical maneuvering condition, including power-on and power-off flight with the maximum design rotor tip speed ratio. The rotor tip speed ratio is the ratio of the rotorcraft flight velocity component in the plane of the rotor disc to the rotational tip speed of the rotor blades, and is expressed as follows:

$$\mu = \frac{V \cos a}{\Omega R}$$

where—

V = The airspeed along the flight path (f.p.s.);

a = The angle between the projection, in the plane of symmetry, of the axis of no feathering and a line perpendicular to the flight path (radians, positive when axis is pointing aft);

Ω = The angular velocity of rotor (radians per second); and

R = The rotor radius (ft.).

§ 29.341 Gust loads.

Each rotorcraft must be designed to withstand, at each critical airspeed including hovering, the loads resulting from vertical and horizontal gusts of 30 feet per second.

§ 29.351 Yawing conditions.

(a) Each rotorcraft must be designed for the loads resulting from the maneuver specified in paragraph (b) of this section, with—

(1) Unbalanced aerodynamic moments about the center of gravity reacted in a rational or conservative manner considering the principal masses furnishing the reacting inertia forces;

(2) Maximum main rotor speed; and

(3) Forward speeds up to V_{NE} or V_H, whichever is less.

(b) In unaccelerated flight with zero yaw, it is assumed that—

(1) The cockpit directional control is suddenly displaced to the maximum deflection limited by the control stops or by maximum pilot effort;

(2) The rotorcraft then yaws to a resulting sideslip angle; and

(3) The directional control is then suddenly returned to neutral.

§ 29.361 Engine torque.

The limit engine torque may not be less than—

(a) For turbine engines, the mean torque for maximum continuous power multiplied by a factor of 1.25; and

(b) For reciprocating engines, the mean torque multiplied by—

(1) 1.33, for engines with five or more cylinders; and

(2) Two, three, and four, for engines with four, three, and two cylinders, respectively.

CONTROL SURFACE AND SYSTEM LOADS

§ 29.391 General.

Each auxiliary rotor, each fixed or movable stabilizing or control surface, and each system operating any flight control must meet the requirements of §§ 29.395 through 29.403, 29.411, and 29.413.

§ 29.395 Control system.

(a) The reaction to the loads prescribed in § 29.397 must be provided by—

(1) The control stops only;

(2) The control locks only;

(3) The irreversible mechanism only (with the mechanism locked and with the control surface in the critical positions for the effective parts of the system within its limit of motion);

(4) The attachment of the control system to the rotor blade pitch control horn only (with the control in the critical positions for the affected parts of the system within the limits of its motion); and

(5) The attachment of the control system to the control surface horn (with the control in the critical positions for the affected parts of the system within the limits of its motion).

(b) Each primary control system, including its supporting structure, must be designed to withstand the loads resulting from the limit pilot forces prescribed in § 29.397, or the maximum loads that can be obtained in normal operation, including any single power boost system failure, whichever are greater. Where the system design or the normal operating loads are such that a part of the system cannot react the pilot-applied forces prescribed in § 29.397, that part of the system must be designed to withstand the maximum loads that can be obtained in normal operation. The minimum design loads must, in any case, provide a rugged system for service use, including consideration of fatigue, jamming, ground gusts, control inertia, and friction loads. In the absence of a rational analysis, the design loads resulting from 0.60 of the specified pilot-applied forces are acceptable minimum design loads.

§ 29.397 Limit pilot forces.

The limit pilot forces are as follows:

(a) For foot controls, 130 pounds.

(b) For stick controls, 100 pounds fore and aft, and 67 pounds laterally.

(c) For wheel controls, 100 pounds fore and aft, and a lateral couple of 53D inch-pounds applied at the rim of the control wheel (where D is the wheel diameter in inches).

§ 29.399 Dual control system.

Each dual primary flight control system must be able to withstand the loads that result when pilot forces not less than 0.75 times those obtained under § 29.395 are applied—

(a) In opposition; and

(b) In the same direction.

§ 29.401 Auxiliary rotor assemblies.

(a) *Auxiliary rotor assemblies.* Each auxiliary rotor assembly must be tested as prescribed in § 29.923.

(b) *Assemblies with detachable blades.* Each auxiliary rotor assembly with detachable blades must be designed to withstand the centrifugal loads resulting from the maximum design rotor r.p.m.

(c) *Highly stressed metal components.* For each auxiliary rotor with highly stressed metal components, the vibration stresses must be determined in flight and shown not to exceed safe values for continuous operation.

§ 29.403 Auxiliary rotor attachment structure.

The attachment structure for each auxiliary rotor must be designed to withstand a limit load equal to the maximum loads occurring in the structure in any flight and landing condition.

§ 29.411 Ground clearance: tail rotor guard.

(a) It must be impossible for the tail rotor to contact the landing surface during a normal landing.

(b) If a tail rotor guard is required to show compliance with paragraph (a) of this section—

(1) Suitable design loads must be established for the guard; and

(2) The guard and its supporting structure must be designed to withstand those loads.

§ 29.413 Stabilizing and control surfaces.

(a) Each stabilizing and control surface must be designed so that—

(1) Limit loads are not less than the greater of—

(i) 15 pounds per square foot; or

(ii) The load resulting where C_N equals 0.55 at the maximum design speed; and

(2) The surface can withstand the critical loads resulting from maneuvers and from combined maneuvers and gusts.

(b) Compliance with paragraph (a) of this section must be shown with load distributions that closely simulate actual pressure distribution conditions.

GROUND LOADS

§ 29.471 General.

(a) *Loads and equilibrium.* For limit ground loads—

(1) The limit ground loads obtained in the landing conditions in this part must be considered to be external loads that would occur in the rotorcraft structure if it were acting as a rigid body; and

(2) In each specified landing condition, the external loads must be placed in equilibrium with linear and angular inertia loads in a rational or conservative manner.

(b) *Critical centers of gravity.* The critical centers of gravity within the range for which certification is requested must be selected so that the

maximum design loads are obtained in each landing gear element.

§ 29.473 Ground loading conditions and assumptions.

(a) For specified landing conditions, a design maximum weight must be used that is not less than the maximum weight. A rotor lift may be assumed to act through the center of gravity throughout the landing impact. This lift may not exceed—

(1) Two-thirds of the design maximum weight; or

(2) Any greater lift proven to be appropriate by tests or data that are applicable to the particular rotorcraft.

(b) Unless otherwise prescribed, for each specified landing condition, the rotorcraft must be designed for a limit load factor of not less than the limit inertia load factor substantiated under §§ 29.725 and 29.727.

§ 29.475 Tires and shock absorbers.

Unless otherwise prescribed, for each specified landing condition, the tires must be assumed to be in their static position and the shock absorbers to be in their most critical position.

§ 29.477 Landing gear arrangement.

Sections 29.235, 29.479 through 29.485, and 29.493 apply to landing gear with two wheels aft, and one or more wheels forward, of the center of gravity.

§29.479 Level landing conditions.

(a) *Attitudes.* Under each of the loading conditions prescribed in paragraph (b) of this section, the rotorcraft is assumed to be in each of the following level landing attitudes:

(1) An attitude in which each wheel contacts the ground simultaneously.

(2) An attitude in which the aft wheels contact the ground with the forward wheels just clear of the ground.

(b) *Loading conditions.* The rotorcraft must be designed for the following landing loading conditions:

(1) Vertical loads applied under § 29.471.

(2) The loads resulting from a combination of the loads applied under subparagraph (1) of this paragraph with drag loads at each wheel of not less than 25 percent of the vertical load at that wheel.

(3) The vertical load at the instant of peak drag load combined with a drag component simulating the forces required to accelerate the wheel rolling assembly up to the specified ground speed, with—

(i) The ground speed for determination of the spin-up loads being at least 75 percent of the optimum forward flight speed for minimum rate of descent in autorotation; and

(ii) The loading conditions of this subparagraph applied to the landing gear and its attaching structure only.

(4) If there are two wheels forward, a distribution of the loads applied to those wheels under subparagraphs (1) and (2) of this paragraph in a ratio of 40:60.

(c) *Pitching moments.* Pitching moments are assumed to be resisted by—

(1) In the case of the attitude in paragraph (a)(1) of this section, the forward landing gear; and

(2) In the case of the attitude in paragraph (a)(2) of this section, the angular inertia forces.

§ 29.481 Tail-down landing conditions.

(a) The rotorcraft is assumed to be in the maximum nose-up attitude allowing ground clearance by each part of the rotorcraft.

(b) In this attitude, ground loads are assumed to act perpendicular to the ground.

§ 29.483 One-wheel landing conditions.

For the one-wheel landing condition, the rotorcraft is assumed to be in the level attitude and to contact the ground on one aft wheel. In this attitude—

(a) The vertical load must be the same as that obtained on that side under § 29.479(b)(1); and

(b) The unbalanced external loads must be reacted by rotorcraft inertia.

§ 29.485 Lateral drift landing conditions.

(a) The rotorcraft is assumed to be in the level landing attitude, with—

(1) Side loads combined with one-half of the maximum ground reactions obtained in the level landing conditions of § 29.479(b)(1); and

(2) The loads obtained under subparagraph (1) of this paragraph applied—

(i) At the ground contact point; or

(ii) For full-swiveling gear, at the center of the axle.

(b) The rotorcraft must be designed to withstand, at ground contact—

(1) When only the aft wheels contact the ground, side loads of 0.8 times the vertical reaction acting inward on one side and 0.6 times the vertical reaction acting outward on the other side, all combined with the vertical loads specified in paragraph (a) of this section; and

(2) When the wheels contact the ground simultaneously—

(i) For the aft wheels, the side loads specified in subparagraph (1) of this paragraph; and

(ii) For the forward wheels, a side load of 0.8 times the vertical reaction combined with the vertical load specified in paragraph (a) of this section.

§ 29.493 Braked roll conditions.

Under braked roll conditions with the shock absorbers in their static positions—

(a) The limit vertical load must be based on a load factor of at least—

(1) 1.33, for the attitude specified in § 29.479(a)(1); and

(2) 1.0, for the attitude specified in § 29.479(a)(2); and

(b) The structure must be designed to withstand, at the ground contact point of each wheel with brakes, a drag load of at least the lesser of—

(1) The vertical load multiplied by a coefficient of friction of 0.8; and

(2) The maximum value based on limiting brake torque.

§ 29.497 Ground loading conditions: landing gear with tail wheels.

(a) *General.* Rotorcraft with landing gear with two wheels forward and one wheel aft of the center of gravity must be designed for loading conditions as prescribed in this section.

(b) *Level landing attitude with only the forward wheels contacting the ground.* In this attitude—

(1) The vertical loads must be applied under §§ 29.471 through 29.475;

(2) The vertical load at each axle must be combined with a drag load at that axle of not less than 25 percent of that vertical load; and

(3) Unbalanced pitching moments are assumed to be resisted by angular inertia forces.

(c) *Level landing attitude with all wheels contacting the ground simultaneously.* In this attitude, the rotorcraft must be designed for landing loading conditions as prescribed in paragraph (b) of this section.

(d) *Maximum nose-up attitude with only the rear wheel contacting the ground.* The attitude for this condition must be the maximum nose-up attitude expected in normal operation, including autorotative landings. In this attitude—

(1) The appropriate ground loads specified in paragraph (b) (1) and (2) of this section must be determined and applied, using a rational method to account for the moment arm between the rear wheel ground reaction and the rotorcraft center of gravity; or

(2) The probability of landing with initial contact on the rear wheel must be shown to be extremely remote.

(e) *Level landing attitude with only one forward wheel contacting the ground.* In this attitude, the rotorcraft must be designed for ground loads as specified in paragraph (b) (1) and (3) of this section.

(f) *Side loads in the level landing attitude.* In the attitudes specified in paragraphs (b) and (c) of this section, the following apply:

(1) The side loads must be combined at each wheel with one-half of the maximum vertical ground reactions obtained for that wheel under paragraphs (b) and (c) of this section. In this condition, the side loads must be—

(i) For the forward wheels, 0.8 times the vertical reaction (on one side) acting inward, and 0.6 times the vertical reaction (on the other side) acting outward; and

(ii) For the rear wheel, 0.8 times the vertical reaction.

(2) The loads specified in subparagraph (1) of this paragraph must be applied—

(i) At the ground contact point with the wheel in the trailing position (for non-full swiveling landing gear or for full swiveling landing gear with a lock, steering device, or shimmy damper to keep the wheel in the trailing position); or

(ii) At the center of the axle (for full swiveling landing gear without a lock, steering device, or shimmy damper).

(g) *Braked roll conditions in the level landing attitude.* In the attitudes specified in paragraphs (b) and (c) of this section, and with the shock absorbers in their static positions, the rotor-

craft must be designed for braked roll loads as follows:

(1) The limit vertical load must be based on a limit vertical load factor of not less than—

(i) 1.0, for the attitude specified in paragraph (b) of this section; and

(ii) 1.33, for the attitude specified in paragraph (c) of this section.

(2) For each wheel with brakes, a drag load must be applied, at the ground contact point, of not less than the lesser of—

(i) 0.8 times the vertical load; and

(ii) The maximum based on limiting brake torque.

(h) *Rear wheel turning loads in the static ground attitude.* In the static ground attitude, and with the shock absorbers and tires in their static positions, the rotorcraft must be designed for rear wheel turning loads as follows:

(1) A vertical ground reaction equal to the static load on the rear wheel must be combined with an equal side load.

(2) The load specified in subparagraph (1) of this paragraph must be applied to the rear landing gear—

(i) Through the axle, if there is a swivel (the rear wheel being assumed to be swiveled 90 degrees to the longitudinal axis of the rotorcraft); or

(ii) At the ground contact point if there is a lock, steering device or shimmy damper (the rear wheel being assumed to be in the trailing position).

(i) *Taxiing condition.* The rotorcraft and its landing gear must be designed for the loads that would occur when the rotorcraft is taxied over the roughest ground that may reasonably be expected in normal operation.

§ 29.505 Ski landing conditions.

If certification for ski operation is requested, the rotorcraft, with skis, must be designed to withstand the following loading conditions (where P is the maximum static weight on each ski with the rotorcraft at design maximum weight, and n is the limit load factor determined under § 29.473(b)):

(a) Up-load conditions in which—

(1) A vertical load of Pn and a horizontal load of $Pn/4$ are simultaneously applied at the pedestal bearings; and

(2) A vertical load of 1.33 P is applied at the pedestal bearings.

(b) A side load condition in which a side load of 0.35 Pn is applied at the pedestal bearings in a horizontal plane perpendicular to the centerline of the rotorcraft.

(c) A torque-load condition in which a torque load of 1.33 P (in foot-pounds) is applied to the ski about the vertical axis through the centerline of the pedestal bearings.

WATER LOADS

§ 29.521 Float landing conditions.

If certification for float operation is requested, the rotorcraft, with floats, must be designed to withstand the following loading conditions (where the limit load factor is determined under § 29.473(b) or assumed to be equal to that determined for wheel landing gear):

(a) Up-load conditions in which—

(1) A load is applied so that, with the rotorcraft in the static level attitude, the resultant water reaction passes vertically through the center of gravity; and

(2) The vertical load prescribed in subparagraph (1) of this paragraph is applied simultaneously with an aft component of 0.25 times the vertical component.

(b) A side load condition in which—

(1) A vertical load of 0.75 times the total vertical load specified in paragraph (a)(1) of this section is divided equally among the floats; and

(2) For each float, the load share determined under subparagraph (1) of this paragraph, combined with a total side load of 0.25 times the total vertical load specified in subparagraph (1) of this paragraph, is applied to that float only.

MAIN COMPONENT REQUIREMENTS

§ 29.547 Main rotor structure.

(a) Each main rotor assembly (including rotor hubs and blades) must be designed as prescribed in this section.

(b) Each hub, blade, blade attachment, and blade control subject to alternating stresses must be designed to withstand any repeated loading conditions likely to occur within their established service lives. In addition—

(1) The stresses of critical parts must be determined in flight in each attitude appropriate to the type of rotorcraft throughout the ranges of limitations prescribed in § 29.309; and

(2) The service life of each critical part must be established on the basis of—

(i) Fatigue tests; or

(ii) Any other acceptable method.

(c) The main rotor structure must be designed to withstand the following loads prescribed in §§ 29.337 through 29.341, and 29.351:

(1) Critical flight loads.

(2) Limit loads occurring under normal conditions of autorotation.

(d) The main rotor structure must be designed to withstand loads simulating—

(1) For the rotor blades, hubs, and flapping hinges, the impact force of each blade against its stop during ground operation; and

(2) Any other critical condition expected in normal operation.

(e) The main rotor structure must be designed to withstand the limit torque at any rotational speed, including zero. In addition:

(1) The limit torque need not be greater than the torque defined by a torque limiting device (where provided), and may not be less than the greater of—

(i) The maximum torque likely to be transmitted to the rotor structure, in either direction, by the rotor drive or by sudden application of the rotor brake; and

(ii) The limit engine torque specified in § 29.361.

(2) The limit torque must be equally and rationally distributed to the rotor blades.

§ 29.549 Fuselage and rotor pylon structures.

(a) Each fuselage and rotor pylon structure must be designed to withstand—

(1) The critical loads prescribed in §§ 29.337 through 29.341, and 29.351;

(2) The applicable ground loads prescribed in §§ 29.235, 29.471 through 29.485, 29.493, 29.497, 29.505, and 29.521; and

(3) The loads prescribed in § 29.547 (d)(1) and (e)(1)(i).

(b) Auxiliary rotor thrust, the torque reaction of each rotor drive system, and the balancing air and inertia loads occurring under accelerated flight conditions, must be considered.

(c) Each engine mount and adjacent fuselage structure must be designed to withstand the loads occurring under accelerated flight and landing conditions, including engine torque.

(d) For critical parts (parts whose sudden failure would threaten the structural integrity of the rotorcraft) the following apply:

(1) Each part must be designed to withstand any repeated loading conditions likely to occur within its established service life.

(2) Stresses must be determined in flight—

(i) For each attitude appropriate to the rotorcraft; and

(ii) For each attitude, throughout the ranges of limitations prescribed in § 29.309.

(3) The service life of each part must be established by—

(i) Fatigue tests; or

(ii) Any other acceptable method.

§ 29.551 Auxiliary lifting surfaces.

Each auxiliary lifting surface must be designed to withstand—

(a) The critical flight loads in §§ 29.337 through 29.341, and 29.351;

(b) the applicable ground loads in §§ 29.235, 29.471 through 29.485, 29.493, 29.505, and 29.521; and

(c) Any other critical condition expected in normal operation.

EMERGENCY LANDING CONDITIONS

§ 29.561 General.

(a) The rotorcraft, although it may be damaged in emergency landing conditions on land or water, must be designed as prescribed in this section to protect the occupants under those conditions.

(b) The structure must be designed to give each occupant every reasonable chance of escaping serious injury in a minor crash landing when—

(1) Proper use is made of seats, belts, and other safety design provisions;

(2) The wheels are retracted (where applicable); and

(3) The occupant experiences the following ultimate inertia forces relative to the surrounding structure:

(i) Upward—1.5 g.

(ii) Forward—4.0 g.

(iii) Sideward—2.0 g.

(iv) Downward—4.0 g, or any lower force that will not be exceeded when the rotorcraft absorbs the landing loads resulting from impact with an ultimate descent velocity or five f.p.s. at design maximum weight.

(c) The supporting structure must be designed to restrain, under any load up to those specified in paragraph (b)(3) of this section, any item of mass that could injure an occupant if it came loose in a minor crash landing.

(d) Any fuselage structure in the area of internal fuel tanks below the passenger floor level must be designed to resist the crash impact loads specified in this section, and to protect the fuel tanks from rupture, if rupture is likely when those loads are applied to that area.

Subpart D—Design and Construction

General

§ 29.601 Design.

(a) The rotorcraft may have no design features or details that experience has shown to be hazardous or unreliable.

(b) The suitability of each questionable design detail and part must be established by tests.

§ 29.603 Materials.

The suitability and durability of materials used in the structure must—

(a) Be established on the basis of experience or tests; and

(b) Meet approved specifications that ensure their having the strength and other properties assumed in the design data.

§ 29.605 Fabrication methods.

The methods of fabrication used must produce consistently sound structures. If a fabrication process (such as gluing, spot welding, or heat-treating) requires close control to reach this objective, the process must be performed according to an approved process specification.

§ 29.607 Self-locking nuts.

No self-locking nut may be used on any bolt subject to rotation in operation.

§ 29.609 Protection of structure.

Each part of the structure must—

(a) Be suitably protected against deterioration or loss of strength in service due to any cause, including—

(1) Weathering;

(2) Corrosion; and

(3) Abrasion; and

(b) Have provisions for ventilation and drainage where necessary to prevent the accumulation of corrosive, flammable, or noxious fluids.

§ 29.611 Inspection provisions.

There must be means to allow close examination of each part that requires—

(a) Recurring inspection;

(b) Adjustment for proper alignment and functioning; or

(c) Lubrication.

§ 29.613 Material strength properties and design values.

(a) Material strength properties must be based on enough tests of material meeting specifications to establish design values on a statistical basis;

(b) Design values must be chosen so that the probability of any structure being understrength because of material variations is extremely remote;

(c) The strength, detail design, and fabrication of the structure must minimize the probability of disastrous fatigue failure, particularly at points of stress concentration;

(d) Unless they are inapplicable in a particular case, the design values must be those contained in the following publications, obtainable from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20401:

(1) MIL—HDBK–5, "Metallic Materials and Elements for Flight Vehicle Structure".

(2) MIL—HDBK–17, "Plastics for Flight Vehicles".

(3) ANC–18, "Design of Wood Aircraft Structures".

(4) MIL—HDBK–23, "Composite Construction for Flight Vehicles".

§ 29.619 Special factors.

(a) The special factors prescribed in §§ 29.621 through 29.625 apply to each part of the structure whose strength is—

(1) Uncertain;

(2) Likely to deteriorate in service before normal replacement; or

(3) Subject to appreciable variability due to—

(i) Uncertainties in manufacturing processes; or

(ii) Uncertainties in inspection methods.

(b) For each part of the rotorcraft to which §§ 29.621 through 29.625 apply, the factor of safety prescribed in § 29.303 must be multiplied by a special factor equal to—

(1) The applicable special factors prescribed in §§ 29.621 through 29.625; or

(2) Any other factor great enough to ensure that the probability of the part being understrength because of the uncertainties specified in paragraph (a) of this section is extremely remote.

§ 29.621 Casting factors.

(a) *General.* The factors, tests, and inspections specified in paragraphs (b) and (c) of this section must be applied in addition to those necessary to establish foundry quality control. The inspec-

tions must meet approved specifications. Paragraphs (c) and (d) of this section apply to structural castings except castings that are pressure tested as parts of hydraulic or other fluid systems and do not support structural loads.

(b) *Bearing stresses and surfaces.* The casting factors specified in paragraphs (c) and (d) of this section—

(1) Need not exceed 1.25 with respect to bearing stresses regardless of the method of inspection used; and

(2) Need not be used with respect to the bearing surfaces of a part whose bearing factor is larger than the applicable casting factor.

(c) *Critical castings.* For each casting whose failure would preclude continued safe flight and landing of the rotorcraft or result in serious injury to any occupant, the following apply:

(1) Each critical casting must—

(i) Have a casting factor of not less than 1.25; and

(ii) Receive 100 percent inspection by visual, radiographic, and magnetic particle (for ferromagnetic materials) or penetrate (for nonferromagnetic materials) inspection methods or approved equivalent inspection methods.

(2) For each critical casting with a casting factor less than 1.50, three sample castings must be static tested and shown to meet—

(i) The strength requirements of § 29.305 at an ultimate load corresponding to a casting factor of 1.25; and

(ii) The deformation requirements of § 29.305 at a load of 1.15 times the limit load.

(d) *Noncritical castings.* For each casting other than those specified in paragraph (c) of this section, the following apply:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, the casting factors and corresponding inspections must meet the following table:

Casting factor	*Inspection*
2.0 or greater	100 percent visual.
Less than 2.0, greater than 1.5.	100 percent visual, and magnetic particle (ferromagnetic materials), penetrant (nonferromagnetic materials), or approved equivalent inspection methods.
1.25 through 1.50	100 percent visual, and magnetic particle (ferromagnetic materials), penetrant (nonferromagnetic materials), and radiographic or approved equivalent inspection methods.

(2) The percentage of castings inspected by nonvisual methods may be reduced below that specified in subparagraph (1) of this paragraph when an approved quality control procedure is established.

(3) For castings procured to a specification that guarantees the mechanical properties of the material in the casting and provides for demonstration of these properties by test of coupons cut from the castings on a sampling basis—

(i) A casting factor of 1.0 may be used; and

(ii) The castings must be inspected as provided in subparagraph (1) of this paragraph for casting factors of "1.25 through 1.50" and tested under paragraph (c)(2) of this section.

§ 29.623 Bearing factors.

(a) Except as provided in paragraph (b) of this section, each part that has clearance (free fit), and that is subject to pounding or vibration, must have a bearing factor large enough to provide for the effects of normal relative motion.

(b) No bearing factor need be used on a part for which any larger special factor is prescribed.

§ 29.625 Fitting factors.

For each fitting (part or terminal used to join one structural member to another) the following apply:

(a) For each fitting whose strength is not proven by limit and ultimate load tests in which actual stress conditions are simulated in the fitting and surrounding structures, a fitting factor of at least 1.15 must be applied to each part of—

(1) The fitting;

(2) The means of attachment; and

(3) The bearing on the joined members.

(b) No fitting factor need be used—

(1) For joints made under approved practices and based on comprehensive test data (such as continuous joints in metal plating, welded joints, and scarf joints in wood); and

(2) With respect to any bearing surface for which a larger special factor is used.

(c) For each integral fitting, the part must be treated as a fitting up to the point at which the section properties become typical of the member.

§ 29.629 Flutter.

Each part of the rotorcraft must be free from flutter under each appropriate speed and power condition.

MAIN ROTOR

§ 29.653 Pressure venting and drainage of main rotor blades.

For each main rotor blade—

(a) There must be means for venting the internal pressure of the blade;

(b) Drainage holes must be provided for the blade; and

(c) The blade must be designed to prevent water from becoming trapped in it.

§ 29.659 Mass balance.

The rotors and blades must be mass balanced as necessary to—

(a) Prevent excessive vibration; and

(b) Prevent flutter at any speed up to the maximum forward speed.

§ 29.661 Rotor blade clearance.

There must be enough clearance between the main rotor blades and other parts of the structure to prevent the blades from striking any part of the structure during any operating condition.

CONTROL SYSTEMS

§ 29.671 General.

(a) Each control and control system must operate with the ease, smoothness, and positiveness appropriate to its function.

(b) Each element of each flight control system must be designed, or distinctively and permanently marked, to minimize the probability of any incorrect assembly that could result in the malfunction of the system.

§ 29.675 Stops.

(a) Each control system must have stops that positively limit the range of motion of the pilot's controls.

(b) Each stop must be located in the system so that the range of travel of its control is not appreciably affected by—

(1) Wear;

(2) Slackness; or

(3) Takeup adjustments.

(c) Each stop must be able to withstand the loads corresponding to the design conditions for the system.

(d) For each main rotor blade—

(1) The blade must have stops, appropriate to the design, to limit its travel about its hinges; and

(2) There must be means to keep the blade from hitting the droop stops during any operation other than starting and stopping the rotor.

§ 29.679 Control system locks.

If there is a device to lock the control system with the rotorcraft on the ground or water, there must be means to—

(a) Automatically disengage the lock when the pilot operates the controls in a normal manner, or limit the operation of the rotorcraft so as to give unmistakable warning to the pilot before takeoff; and

(b) Prevent the lock from engaging in flight.

§ 29.681 Limit load static tests.

(a) Compliance with the limit load requirements of this part must be shown by tests in which—

(1) The direction of the test loads produces the most severe loading in the control system; and

(2) Each fitting, pulley, and bracket used in attaching the system to the main structure is included;

(b) Compliance must be shown (by analyses or individual load tests) with the special factor requirements for control system joints subject to angular motion.

§ 29.683 Operation tests.

It must be shown by operation tests that, when the controls are operated from the pilot compartment with the control system loaded to correspond with loads specified for the system, the system is free from—

(a) Jamming;

(b) Excessive friction; and

(c) Excessive deflection.

§ 29.685 Control system details.

(a) Each detail of each control system must be designed to prevent jamming, chafing, and interference from cargo, passengers, or loose objects.

(b) There must be means in the cockpit to prevent the entry of foreign objects into places where they would jam the system.

(c) There must be means to prevent the slapping of cables or tubes against other parts.

(d) Cable systems must be designed as follows:

(1) Cables, cable fittings, turnbuckles, splices, and pulleys must be of an acceptable kind.

(2) The design of cable systems must prevent any hazardous change in cable tension throughout the range of travel under any operating conditions and temperature variations.

(3) No cable smaller than ⅛ inch diameter may be used in any primary control system.

(4) Pulley kinds and sizes must correspond to the cables with which they are used. The pulley-cable combinations and strength values specified in MIL–HDBK–5 must be used unless they are inapplicable.

(5) Pulleys must have close fitting guards to prevent the cables from being displaced or fouled.

(6) Pulleys must lie close enough to the plane passing through the cable to prevent the cable from rubbing against the pulley flange.

(7) No fairlead may cause a change in cable direction of more than three degrees.

(8) No clevis pin subject to load or motion and retained only by cotter pins may be used in the control system.

(9) Turnbuckles attached to parts having angular motion must be installed to prevent binding throughout the range of travel.

(10) There must be means for visual inspection at each fairlead, pulley, terminal, and turnbuckle.

(e) Control system joints subject to angular motion must incorporate the following special factors with respect to the ultimate bearing strength of the softest material used as a bearing:

(1) 3.33 for push-pull systems other than ball and roller bearing systems.

(2) 2.0 for cable systems.

(f) For control system joints, the manufacturer's static, non-Brinell rating of ball and roller bearings may not be exceeded.

§ 29.687 Spring devices.

(a) Each control system spring device whose failure could cause flutter or other unsafe characteristics must be reliable.

(b) Compliance with paragraph (a) of this section must be shown by tests simulating service conditions.

§ 29.691 Autorotation control mechanism.

Each main rotor blade pitch control mechanism must allow rapid entry into autorotation after power failure.

§ 29.695 Power boost and power-operated control system.

(a) If a power boost or power-operated control system is used, an alternate system must be immediately available that allows continued safe flight and landing in the event of—

(1) Any single failure in the power portion of the system; or

(2) The failure of all engines.

(b) Each alternate system may be a duplicate power portion or a manually operated mechanical system. The power portion includes the power source (such as hydraulic pumps), and such items as valves, lines, and actuators.

(c) The failure of mechanical parts (such as piston rods and links), and the jamming of power cylinders, must be considered unless they are extremely improbable.

§ 29.723 Shock absorption tests.

The landing inertia load factor and the reserve energy absorption capacity of the landing gear must be substantiated by the tests prescribed in §§ 29.725 and 29.727, respectively. These tests must be conducted on the complete rotorcraft or on units consisting of wheel, tire, and shock absorber in their proper relation.

§ 29.725 Limit drop test.

The limit drop test must be conducted as follows:

(a) The drop height must be—

(1) 13 inches from the lowest point of the landing gear to the ground; or

(2) Any lesser height, not less than eight inches, resulting in a drop contact velocity equal to the greatest probable sinking speed likely to occur at ground contact in normal power-off landings.

(b) If considered, the rotor lift specified in § 29.473(a) must be introduced into the drop test by appropriate energy absorbing devices or by the use of an effective mass.

(c) Each landing gear unit must be tested in the attitude simulating the landing condition that is most critical from the standpoint of the energy to be absorbed by it.

(d) When an effective mass is used in showing compliance with paragraph (b) of this section, the following formulae may be used instead of more rational computations.

$$W_e = W\left[\frac{h+(1-L)d}{h+d}\right]; \text{ and } n = n_j\frac{W_e}{W}+L$$

where:

W_e = the effective weight to be used in the drop test (lbs.).

$W = W_M$ for main gear units (lbs.), equal to the static reaction on the particular unit with the rotorcraft in the most critical attitude. A rational method may be used in computing a main gear static reaction, taking into consideration the moment arm between the main wheel reaction and the rotorcraft center of gravity.

$W = W_N$ for nose gear units (lbs.), equal to the vertical component of the static reaction that would exist at the nose wheel, assuming that the mass of the rotorcraft acts at the center of gravity and exerts a force of 1.0g downward and 0.25g forward.

$W = W_T$ for tailwheel units (lbs.) equal to whichever of the following is critical—

(1) The static weight on the tailwheel with the rotorcraft resting on all wheels; or

(2) The vertical component of the ground reaction that would occur at the tailwheel assuming that the mass of the rotorcraft acts at the center of gravity and exerts a force of 1g downward with the rotorcraft in the maximum nose-up attitude considered in the nose-up landing conditions.

h = specified free drop height (inches).

L = ratio of assumed rotor lift to the rotorcraft weight.

d = deflection under impact of the tire (at the proper inflation pressure) plus the vertical component of the axle travel (inches) relative to the drop mass.

n = limit inertia load factor.

n_j = the load factor developed during impact on the mass used in the drop test (i.e., the acceleration dv/dt in g's recorded in the drop test plus 1.0).

§ 29.727 Reserve energy absorption drop test.

The reserve energy absorption drop test must be conducted as follows:

(a) The drop height must be 1.5 times that specified in § 29.725(a).

(b) Rotor lift, where considered in a manner similar to that prescribed in § 29.725(b), may not exceed 1.5 times the lift allowed under that paragraph.

(c) The landing gear must withstand this test without collapsing.

§ 29.729 Retracting mechanism.

(a) *General.* The landing gear, retracting mechanism, wheel well doors, and supporting structure must be designed for—

(1) The loads occurring in any maneuvering condition with the gear retracted;

(2) The combined friction, inertia, and air loads occurring during retraction and extension at any airspeed up to the design maximum landing gear operating speed; and

(3) The flight loads, including those in yawed flight, occurring with the gear extended at any airspeed up to the design maximum landing gear extended speed.

(b) *Landing gear lock.* A positive means must be provided to keep the gear extended.

(c) *Emergency operation.* When other than manual power is used to operate the gear, emergency means must be provided for extending the gear in the event of—

(1) Any reasonably probable failure in the normal retraction system; or

(2) The failure of any single source of hydraulic, electric, or equivalent energy.

(d) *Operation tests.* The proper functioning of the retracting mechanism must be shown by operation tests.

(e) *Position indicator.* There must be means to indicate to the pilot when the gear is secured in the extreme positions.

(f) *Control.* The location and operation of the retraction control must meet the requirements of § 29.777.

§ 29.731 Wheels.

(a) Each landing gear wheel must be approved.

(b) The maximum static load rating of each wheel may not be less than the corresponding static ground reaction with—

(1) Maximum weight; and

(2) Critical center of gravity.

(c) The maximum limit load rating of each wheel must equal or exceed the maximum radial limit load determined under the applicable ground load requirements of this part.

§ 29.733 Tires.

Each landing gear wheel must have a tire—

(a) That is a proper fit on the rim of the wheel; and

(b) Of a rating that is not exceeded under—

(1) The design maximum weight;

(2) A load on each main wheel tire equal to the static ground reaction corresponding to the critical center of gravity; and

(3) A load on nose wheel tires (to be compared with the dynamic rating established for those tires) equal to the reaction obtained at the nose wheel, assuming that the mass of the rotorcraft acts at the most critical center of gravity and exerts a force of 1.0 *g* downward and 0.25 *g* forward, the reactions being distributed to the nose and main wheels according to the principles of statics with the drag reaction at the ground applied only at wheels with brakes.

§ 29.735 Brakes.

A braking device must be installed that is—

(a) Controllable by the pilot;

(b) Usable during power-off landings; and

(c) Adequate to—

(1) Counteract any normal unbalanced torque when starting or stopping the rotor; and

(2) Hold the rotorcraft parked on a 10 degree slope on a dry, smooth pavement.

§ 29.737 Skis.

(a) The maximum limit load rating of each ski must equal or exceed the maximum limit load determined under the applicable ground load requirements of this part.

(b) There must be a stabilizing means to maintain the ski in an appropriate position during flight. This means must have enough strength to withstand the maximum aerodynamic and inertia loads on the ski.

FLOATS AND HULLS

§ 29.751 Main float buoyancy.

(a) For main floats, the buoyancy necessary to support the maximum weight of the rotorcraft in fresh water must be exceeded by—

(1) 50 percent, for single floats; and

(2) 60 percent, for multiple floats.

(b) Each main float must have at least five watertight compartments approximately equal in volume.

§ 29.753 Main float design.

(a) *Bag floats.* Each bag float must be designed to withstand—

(1) The maximum pressure differential that might be developed at the maximum altitude for which certification with that float is requested; and

(2) The vertical loads prescribed in § 29.521(a), distributed along the length of the bag over three-quarters of its projected area.

(b) *Rigid floats.* Each rigid float must be able to withstand the vertical, horizontal, and side loads prescribed in § 29.521. An appropriate load distribution under critical conditions must be used.

§ 29.755 Hulls.

For each rotorcraft, with a hull and auxiliary floats, that is to be approved for both taking off from and landing on water, the hull and auxiliary floats must have enough watertight compartments so that, with any single compartment flooded, the buoyancy of the hull and auxiliary floats (and wheel tires if used) provides a margin of positive stability great enough to minimize the probability of capsizing.

PERSONNEL AND CARGO ACCOMMODATIONS

§ 29.771 Pilot compartment.

For each pilot compartment—

(a) The compartment and its equipment must allow each pilot to perform his duties without unreasonable concentration or fatigue;

(b) If there is provision for a second pilot, the rotorcraft must be controllable with equal safety from either pilot seat;

(c) The vibration and noise characteristics of cockpit appurtenances may not interfere with safe operation;

(d) Inflight leakage of rain or snow that could distract the crew or harm the structure must be prevented;

(e) A passageway must be provided between the pilot compartment and the passenger compartment; and

(f) There must be suitable means to prevent passengers from entering the pilot compartment without permission.

§ 29.773 Pilot compartment view.

(a) *Nonprecipitation conditions.* For nonprecipitation conditions, the following apply:

(1) Each pilot compartment must be arranged to give the pilots a sufficiently extensive, clear, and undistorted view for safe operation.

(2) Each pilot compartment must be free of glare and reflection that could interfere with the pilot's view. If certification for night operation is requested, this must be shown by night flight tests.

(b) *Precipitation conditions.* For precipitation conditions, the following apply:

(1) Each pilot must have a sufficiently extensive view for safe operation—

(i) In heavy rain at forward speeds up to V_H; and

(ii) In the most severe icing condition for which certification is requested.

(2) The pilots must have a window that—

(i) Is openable under the conditions prescribed in subparagraph (1) of this paragraph; and

(ii) Provides the view prescribed in that subparagraph.

§ 29.775 Windshield and windows.

Nonsplintering safety glass must be used in glass windshields and windows.

§ 29.777 Cockpit controls.

Cockpit controls must be—

(a) Located to provide convenient operation and to prevent confusion and inadvertent operation; and

(b) Located and arranged with respect to the pilot's seats so that there is full and unrestricted movement of each control without interference from the cockpit structure or the pilot's clothing when pilots from 5'2" to 6'0" in height are seated.

§ 29.783 Doors.

(a) Each closed cabin must have at least one adequate and easily accessible external door.

(b) No passenger door may be located with respect to any rotor disc so as to endanger persons following appropriate instructions for the use of that door.

(c) There must be means for locking crew and external passenger doors and for preventing their opening in flight inadvertently or as a result of mechanical failure. It must be possible to open external doors from inside and outside the cabin with the rotorcraft on the ground. The means of opening must be simple, obvious, and so arranged and marked that it can be readily located and operated.

(d) There must be reasonable provisions to prevent the jamming of any external door, in a minor crash, as a result of fuselage deformation.

(e) There must be means for direct visual inspection of the locking mechanism by crewmembers to determine whether the external doors (including passenger, crew, service, and cargo doors) are fully locked. There must be visual means to signal to appropriate crewmembers when normally used external doors are closed and fully locked.

(f) For outward opening external doors usable for entrance or egress, there must be an auxiliary safety latching device to prevent the door from opening when the primary latching mechanism fails. If the door does not meet the requirements of paragraph (c) of this section with this device in place, suitable operating procedures must be established to prevent the use of the device during takeoff and landing.

§ 29.785 Seats, safety belts, and harnesses.

(a) The seats, safety belts, shoulder harnesses, and adjacent parts of the rotorcraft, at each station designated for occupancy during takeoff and landing, must be designed so that a person making proper use of these facilities will not suffer serious injury in an emergency landing as a result of the inertia forces specified in § 29.561.

(b) Each seat must be approved.

(c) Each occupant must be protected from head injury by—

(1) A safety belt and harness that will prevent the head from contacting any injurious object;

(2) A safety belt plus the elimination of any injurious objects within striking radius of the head; or

(3) A safety belt plus a cushioned rest that will support the arms, shoulders, head, and spine.

(d) If seat backs do not have a firm handhold, there must be hand grips or rails along each aisle to let the occupants steady themselves while using the aisle in moderately rough air; and

(e) Each projecting object that would injure persons seated or moving about in the rotorcraft in normal flight must be padded.

(f) Each seat and its supporting structure must be designed for an occupant weight of 170 pounds, considering the maximum load factors, inertia forces, and reactions between the occupant, seat, and safety belt or harness corresponding with the applicable flight and ground load conditions, including the emergency landing conditions of § 29.561. In addition—

(1) Each pilot seat must be designed for the reactions resulting from the application of the pilot forces prescribed in § 29.397; and

(2) The inertia forces prescribed in § 29.561 must be multiplied by a factor of 1.33 in determining the strength of the attachment of—

(i) Each seat to the structure; and

(ii) Each safety belt or harness to the seat or structure.

§ 29.787 Cargo and baggage compartments.

(a) Each cargo and baggage compartment must be designed for its placarded maximum weight of contents and for the critical load distributions at the appropriate maximum load factors corresponding to the specified flight and ground load conditions, except the emergency landing conditions of § 29.561.

(b) There must be means to prevent the contents of any compartment from becoming a hazard by shifting under the loads specified in paragraph (a) of this section.

(c) There must be means to protect each occupant from injury by the contents of any compartment when the ultimate forward inertia force is 4 *g*.

§ 29.803 Emergency evacuation.

(a) Each crew and passenger area must have means for rapid evacuation in a crash landing, with the landing gear (1) extended and (2) retracted, considering the possibility of fire.

(b) Passenger entrance, crew, and service doors may be considered as emergency exits if they meet the requirements of this section and of §§ 29.805 through 29.815.

§ 29.805 Flight crew emergency exits.

For rotorcraft with passenger emergency exits that are not convenient to the flight crew, there must be flight crew emergency exits in the crew area for rapid evacuation. These exits must be located—

(a) On both sides of the rotorcraft; or

(b) As a top hatch.

§ 29.807 Passenger emergency exits.

(a) *Type.* For the purpose of this part, the types of passenger emergency exit are as follows:

(1) *Type I.* This type must have a rectangular opening at least 24 inches wide by 48 inches high, with corner radii not greater than four inches, in the passenger area in the side of the fuselage at floor level and as far away as practicable from areas that might become potential fire hazards in a crash.

(2) *Type II.* This type is the same as Type I, except that the opening must be at least 20 inches wide by 44 inches high.

(3) *Type III.* This type is the same as Type I, except that—

(i) The opening must be at least 20 inches wide by 36 inches high; and

(ii) The exits need not be at floor level.

(4) *Type IV.* This type must have a rectangular opening at least 19 inches wide by 26 inches high, with corner radii not greater than four inches, in the side of the fuselage with a step-up inside the rotorcraft of not more than 29 inches.

Openings with dimensions larger than those specified in this section may be used, regardless of shape, if the base of the opening has a flat surface of not less than the specified width.

(b) *Passenger emergency exits; side-of-fuselage.* Emergency exits must be accessible to the passengers and must be provided in accordance with the following table:

Passenger seating capacity	Emergency exits for each side of the fuselage			
	Type I	Type II	Type III	Type IV
1 through 19			1	
20 through 39		1		1
40 through 69	1			1

(c) *Passenger emergency exits; other than side-of-fuselage.* In addition to the requirements of paragraph (b) of this section—

(1) There must be enough openings in the top, bottom, or ends of the fuselage to allow evacuation with the rotorcraft on its side; or

(2) The probability of the rotorcraft coming to rest on its side in a crash landing must be extremely remote.

(d) *Tests.* The proper functioning of each emergency exit must be shown by test.

§ 29.809 Emergency exit arrangement.

(a) Each emergency exit must consist of a movable door or hatch in the external walls of the fuselage and must provide an unobstructed opening to the outside.

(b) Each emergency exit must be openable from the inside and from the outside.

(c) The means of opening each emergency exit must be simple and obvious and may not require exceptional effort.

(d) There must be means for locking each emergency exit and for preventing opening in flight inadvertently or as a result of mechanical failure.

(e) There must be means to minimize the probability of the jamming of any emergency exit in a minor crash landing as a result of fuselage deformation.

(f) For each emergency exit (other than Type IV exits above a wing) that is more than six feet from the ground with the rotorcraft on the ground and the landing gear extended, there must be means to assist the occupants to the ground.

§ 29.811 Emergency exit marking.

(a) Each emergency exit, its means of access, and its means of opening must be conspicuously marked.

(b) The identity and location of each emergency exit must be recognizable from a distance equal to the width of the cabin.

(c) The location of each emergency exit operating handle and the instructions for opening must be marked on or near the emergency exit. This marking must be readable from a distance of 30 inches.

(d) A source of light, independent of the main lighting system, must be installed to light each emergency exit marking.

(e) Each exit light must be designed to function automatically in a crash landing and to operate manually.

(f) Each emergency exit and its means of opening must be marked on the outside of the rotorcraft.

§ 29.813 Emergency exit access.

(a) Each passageway between passenger compartments, and each passageway leading to Type I and Type II emergency exits, must be—

(1) Unobstructed; and

(2) At least 20 inches wide.

(b) For each emergency exit covered by § 29.809(f), there must be enough space adjacent to that exit to allow a crewmember to assist in the evacuation of passengers without reducing the unobstructed width of the passageway below that required for that exit.

§ 29.815 Main aisle width.

The main passenger aisle width between seats must equal or exceed the values in the following table:

Passenger seating capacity	Minimum main passenger aisle width	
	Less than 25 inches from floor	25 inches and more from floor
	Inches	*Inches*
10 or less	12	18
11 through 19	12	20
20 or more	15	20

§ 29.831 Ventilation.

(a) Each passenger and crew compartment must be ventilated, and each

crew compartment must have enough fresh air (but not less than 10 cu. ft. per minute per crewmember) to let crewmembers perform their duties without undue discomfort or fatigue.

(b) Crew and passenger compartment air must be free from harmful or hazardous concentrations of gases or vapors.

(c) The concentration of carbon monoxide may not exceed one part in 20,000 parts of air during forward flight. If the concentration exceeds this value under other conditions, there must be suitable operating restrictions.

(d) There must be means to ensure compliance with paragraphs (b) and (c) of this secton under any reasonably probable failure of any ventilating, heating, or other system or equipment.

§ 29.833 Heaters.

Each combustion heater must be approved.

FIRE PROTECTION

§ 29.851 Fire extinguishers.

(a) *Hand fire extinguishers.* For hand fire extinguishers the following apply:

(1) Each hand fire extingusher must be approved.

(2) The kinds and quantities of each extinguishing agent used must be appropriate to the kinds of fires likely to occur where that agent is used.

(3) Each extinguisher for use in a personnel compartment must be designed to minimize the hazard of toxic gas concentrations.

(b) *Built-in fire extinguishers.* If a built-in fire extinguishing system is required—

(1) The capacity of each system, in relation to the volume of the compartment where used and the ventilation rate, must be adequate for any fire likely to occur in that compartment.

(2) Each system must be installed so that—

(i) No extinguishing agent likely to enter personnel compartments will be present in a quantity that is hazardous to the occupants; and

(ii) No discharge of the extinguisher can cause structural damage.

§ 29.853 Compartment interiors.

For each compartment to be used by the crew or passengers—

(a) The materials must be at least flash-resistant;

(b) The wall and ceiling linings, and the covering of upholstery, floors, and furnishings must be at least flame resistant;

(c) Each compartment where smoking is to be allowed must have self-contained, removable ash trays, and other compartments must be placarded against smoking;

(d) Each receptacle for towels, paper, or waste must be at least fire-resistant and must have means for containing possible fires;

(e) There must be a hand fire extinguisher for the flight crewmembers; and

(f) At least the following number of hand fire extinguishers must be conveniently located in passenger compartments:

Passenger capacity:	*Fire extinguishers*
7 through 30	1
31 through 60	2

§ 29.855 Cargo and baggage compartments.

(a) Each cargo and baggage compartment must be constructed of, or lined with, materials that are at least fire resistant.

(b) No compartment may contain any controls, wiring, lines, equipment, or accessories whose damage or failure would affect safe operation, unless those items are protected so that—

(1) They cannot be damaged by the movement of cargo in the compartment; and

(2) Their breakage or failure will not create a fire hazard.

(c) The design and sealing of inaccessible compartments must be adequate to contain compartment fires until a landing and safe evacuation can be made.

(d) Each cargo and baggage compartment must be designed, or must have a device, to ensure detection of fires by a crewmember at his station and to prevent the entry of harmful quantities of smoke, flame, extinguishing agents, and other noxious gases into any crew or passenger compartment. This must be shown in flight.

§ 29.859 Combustion heater fire protection.

(a) *Combustion heater fire zones.* The following combustion heater fire zones must be protected against fire under the applicable provisions of §§ 29.1181 through 29.1191, and 29.1195 through 29.1203:

(1) The region surrounding any heater, if that region contains any flammable fluid system components (including the heater fuel system), that could—

(i) Be damaged by heater malfunctioning; or

(ii) Allow flammable fluids or vapors to reach the heater in case of leakage.

(2) Each part of any ventilating air passage that—

(i) Surrounds the combustion chamber; and

(ii) Would not contain (without damage to other rotorcraft components) any fire that may occur within the passage.

(b) *Ventilating air ducts.* Each ventilating air duct passing through any fire zone must be fireproof. In addition—

(1) Unless isolation is provided by fireproof valves or by equally effective means, the ventilating air duct downstream of each heater must be fireproof for a distance great enough to ensure that any fire originating in the heater can be contained in the duct; and

(2) Each part of any ventilating duct passing through any region having a flammable fluid system must be so constructed or isolated from that system that the malfunctioning of any component of that system cannot introduce flammable fluids or vapors into the ventilating airstream.

(c) *Combustion air ducts.* Each combustion air duct must be fireproof for a distance great enough to prevent damage from backfiring or reverse flame propagation. In addition—

(1) No combustion air duct may communicate with the ventilating airstream unless flames from backfires or reverse burning cannot enter the ventilating airstream under any operating condition, including reverse flow or malfunction of the heater or its associated components; and

(2) No combustion air duct may restrict the prompt relief of any backfire that, if so restricted, could cause heater failure.

(d) *Heater controls; general.* There must be means to prevent the hazardous accumulation of water or ice on or in any heater control component, control system tubing, or safety control.

(e) *Heater safety controls.* For each combustion heater, safety control means must be provided as follows:

(1) Means independent of the components provided for the normal continuous control of air temperature, airflow, and fuel flow must be provided, for each heater, to automatically shut off the ignition and fuel supply of that heater at a point remote from that heater, when—

(i) The heat exchanger temperature or ventilating air temperature exceeds safe limits; or

(ii) The combustion airflow or the ventilating airflow becomes inadequate for safe operation.

(2) The means of complying with subparagraph (1) of this paragraph for any individual heater must—

(i) Be independent of components serving any other heater whose heat output is essential for safe operation; and

(ii) Keep the heater off until restarted by the crew.

(3) There must be means to warn the crew when any heater whose heat output is essential for safe operation has been shut off by the automatic means prescribed in subparagraph (1) of this paragraph.

(f) *Air intakes.* Each combustion and ventilating air intake must be where no flammable fluids or vapors can enter the heater system under any operating condition—

(1) During normal operation; or

(2) As a result of the malfunction of any other component.

(g) *Heater exhaust.* Each heater exhaust system must meet the requirements of §§ 29.1121 and 29.1123. In addition—

(1) Each exhaust shroud must be sealed so that no flammable fluids or hazardous quantities of vapors can reach the exhaust systems through joints; and

(2) No exhaust system may restrict the prompt relief of any backfire that, if so restricted, could cause heater failure.

(h) *Heater fuel systems.* Each heater fuel system must meet the powerplant fuel system requirements affecting safe heater operation. Each heater fuel system component in the ventilating airstream must be protected by shrouds so that no leakage from those components can enter the ventilating airstream.

(i) *Drains.* There must be means for safe drainage of any fuel that might ac-

cumulate in the combustion chamber or the heat exchanger. In addition—

(1) Each part of any drain that operates at high temperatures must be protected in the same manner as heater exhausts; and

(2) Each drain must be protected against hazardous ice accumulation under any operating condition.

§ 29.861 Fire protection of structure, controls, and other parts.

Each part of the structure, controls, and the rotor mechanism, and other parts essential to controlled landing and (for category A) flight that would be affected by powerplant fires must be isolated under § 29.1191, or must be—

(a) For category A rotorcraft, fireproof; and

(b) For category B rotorcraft, protected so that they can perform their essential functions for at least five minutes under any foreseeable powerplant fire condition.

§ 29.863 Flammable fluid fire protection.

If flammable fluids or vapors might escape by the leakage of fluid systems, there must be means to—

(a) Prevent the ignition of those fluids or vapors by any other equipment; or

(b) Control any fire resulting from that ignition.

MISCELLANEOUS

§ 29.871 Leveling marks.

There must be reference marks for leveling the rotorcraft on the ground.

§ 29.873 Ballast provisions.

Ballast provisions must be designed and constructed to prevent inadvertent shifting of ballast in flight.

§ 29.877 Ice protection.

The rotorcraft must be able to operate safely throughout the range of icing conditions for which certification is requested.

Subpart E—Powerplant

GENERAL

§ 29.901 Installation.

(a) For the purpose of this part, the powerplant installation includes each part of the rotorcraft (other than the main and auxiliary rotor structures) that—

(1) Is necessary for propulsion;

(2) Affects the control of the major propulsive units; or

(3) Affects the safety of the major propulsive units between normal inspections or overhauls.

(b) For each powerplant installation—

(1) The installation must meet the applicable provisions of this subpart and, for turbine powerplant installations, any other requirements necessary for safety;

(2) Each component of the installation must be constructed, arranged, and installed to ensure its continued safe operation between normal inspections or overhauls;

(3) Accessibility must be provided to allow any inspection and maintenance necessary for continued airworthiness; and

(4) Electrical interconnections must be provided to prevent differences of potential between major components of the installation and the rest of the rotorcraft.

§ 29.903 Engines.

(a) *Engine type certification.* Each engine must be type certificated under Part 33 [New].

(b) *Category A; engine isolation.* For each category A rotorcraft, the powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or the failure of any system that can affect any engine, will not—

(1) Prevent the continued safe operation of the remaining engines; or

(2) Require immediate action by any crew member for continued safe operation.

(c) *Category A; control of engine rotation.* For each category A rotorcraft, there must be means for stopping and restarting any engine individually in flight. In addition—

(1) Each component for controlling engine rotation in flight that is on the engine side of any firewall and that might be exposed to fire must be at least fire-resistant; or

(2) Duplicate means must be available for this purpose and their controls must be where all are not likely to be damaged at the same time in case of fire.

(d) *Category A; engine cooling fan blade protection.* If an engine cooling fan is installed in a category A rotorcraft, there must be means to ensure that a fan blade failure will not affect the operation of the remaining engines or prevent continued safe operation.

(e) *Category B; engine cooling fan blade protection.* If an engine cooling fan is installed, there must be means to protect the rotorcraft and allow a safe landing if a fan blade fails. This must be shown by showing that—

(1) The fan blades are contained in case of failure;

(2) Each fan is located so that a failure will not jeopardize safety; or

(3) Each fan blade can withstand an ultimate load of 1.5 times the centrifugal force resulting from engine r.p.m. limited by either—

(i) The terminal engine r.p.m. under uncontrolled conditions; or

(ii) An overspeed limiting device.

§ 29.907 Engine vibration.

(a) Each engine must be installed to prevent the harmful vibration of any part of the engine or rotorcraft.

(b) The addition of the rotor and the rotor drive system to the engine may not subject the principal rotating parts of the engine to excessive vibration stresses. This must be shown by a vibration investigation.

ROTOR DRIVE SYSTEM

§ 29.917 Design.

(a) *General.* The rotor drive system includes any part necessary to transmit power from the engines to the rotor hubs. This includes gear boxes, shafting universal joints, couplings, rotor brake assemblies, clutches, supporting bearings for shafting, any attendant accessory pads or drives, and any cooling fans not included in the type certification of the engine.

(b) *Arrangement.* Rotor drive systems must be arranged as follows:

(1) Each rotor drive system of multiengine rotorcraft must be arranged so that each rotor necessary for operation

and control will continue to be driven by the remaining engines if any engine fails.

(2) For single-engine rotorcraft, each rotor drive system must be so arranged that each rotor necessary for control in autorotation will continue to be driven by the main rotors after disengagement of the engine from the main and auxiliary rotors.

(3) Each rotor drive system must incorporate a unit for each engine to automatically disengage that engine from the main and auxiliary rotors if that engine fails.

(4) If a torque limiting device is used in the rotor drive system, it must be located so as to allow continued control of the rotorcraft when the device is operating.

(5) If the rotors must be phased for intermeshing, each system must provide constant and positive phase relationship under any operating condition.

(6) If a rotor dephasing device is incorporated, there must be means to keep the rotors locked in proper phase before operation.

§ 29.921 Rotor brake.

If there is a means to control the rotation of the rotor drive system independently of the engine, any limitations on the use of that means must be specified, and the control for that means must be guarded to prevent inadvertent operation.

§ 29.923 Rotor drive system and control mechanism tests.

(a) *Endurance tests; general.* Each rotor drive system and rotor control mechanism must be tested for not less than 200 hours. These tests must be conducted—

(1) On the rotorcraft, with the power being absorbed by the actual rotors to be installed; and

(2) As prescribed in paragraphs (b) through (j) of this section in 10-hour test cycles.

(b) *Endurance tests; takeoff power run.* The takeoff power endurance test run must consist of one hour of alternate runs of five minutes at takeoff power and speed, and five minutes at as low an engine idle speed as practicable. The engine must be declutched from the rotor drive system, and the rotor brake, if furnished and so intended, must be applied during the first minute of the idle run. During the remaining four minutes of the idle run, the clutch must be engaged so that the engine drives the rotors at the minimum practical r.p.m. Acceleration of the engine and the rotor drive system must be accomplished at the maximum rate. When declutching the engine, it must be decelerated at a rate rapid enough to allow the operation of the overrunning clutch. If there is no takeoff rating, maximum continuous power and speed must be substituted for takeoff power and speed.

(c) *Endurance tests; maximum continuous run.* Three hours of continuous operation at maximum continuous power and speed must be conducted as follows:

(1) The main rotor controls must be operated at a minimum of 15 times each hour through the main rotor pitch positions of maximum vertical thrust, maximum forward thrust component, maximum aft thrust component, maximum left thrust component, and maximum right thrust component, except that the control movements need not produce loads or blade flapping motion exceeding the maximum loads or motions encountered in flight.

(2) The directional controls must be operated at a minimum of 15 times each hour through the control extremes of maximum right turning torque, neutral torque as required by the power applied to the main rotor, and maximum left turning torque.

(3) Each maximum control position must be held for at least 10 seconds, and the rate of change of control position must be at least as rapid as that for normal operation.

(d) *Endurance tests; 90 percent of maximum continuous run.* One hour of continuous operation at 90 percent of maximum continuous power must be conducted at maximum continuous speed.

(e) *Endurance tests; 80 percent of maximum continuous run.* One hour of continuous operation must be conducted at 80 percent of maximum continuous power and speed.

(f) *Endurance tests; 60 percent of maximum continuous run.* Two hours of continuous operation at 60 percent of maximum continuous power must be conducted at minimum desired cruising speed or at 90 percent of maximum continuous speed, whichever is less.

(g) *Endurance tests; engine malfunctioning run.* It must be determined whether malfunctioning of components such as the engine fuel or ignition systems, or whether unequal engine power can cause dynamic conditions detrimental to the drive system. If so, a suitable number of hours of operation must be accomplished under those conditions, one hour of which must be included in each cycle, and the remaining hours of which must be accomplished at the end of the 20 cycles. If no detrimental condition results, an additional hour of operation in compliance with paragraph (b) of this section must be conducted.

(h) *Endurance tests; overspeed run.* One hour of continuous operation at 110 percent of maximum continuous speed must be conducted at maximum continuous power. If the engines are limited by the manufacturer to an overspeed of less than 110 percent of maximum continuous speed for the periods required, the speed used must be the highest speed allowable for those engines.

(i) *Endurance tests; rotor control positions.* When the rotor controls are not being cycled during the tie-down tests, the rotor must be operated, using the procedures prescribed in paragraph (c) of this section, to produce each of the maximum thrust positions for the following percentages of test time (except that the control positions need not produce loads or blade flapping motion exceeding the maximum loads or motions encountered in flight):

(1) For full vertical thrust, 20 percent.

(2) For the forward thrust component, 50 percent.

(3) For the right thrust component, 10 percent.

(4) For the left thrust component, 10 percent.

(5) For the aft thrust component, 10 percent.

(j) *Endurance tests; clutch and brake engagements.* A total of at least 400 clutch and brake engagements, including the engagements of paragraph (b) of this section, must be made during the takeoff power runs and, if necessary, at each change of power and speed throughout the test. In each clutch engagement, the shaft on the driven side of the clutch must be accelerated from rest. The clutch engagements must be accomplished at the speed and by the method prescribed by the applicant. During deceleration after each clutch engagement, the engines must be stopped rapidly enough to allow the engines to be automatically disengaged from the rotors and rotor drives. If a rotor brake is installed for stopping the rotor, the clutch, during brake engagements, must be disengaged above 40 percent of maximum continuous rotor speed and the rotors allowed to decelerate to 40 percent of maximum continuous rotor speed, at which time the rotor brake must be applied. If the clutch design does not allow stopping the rotors with the engine running, or if no clutch is provided, the engine must be stopped before each application of the rotor brake, and then immediately be started after the rotors stop.

(k) *Overspeed test.* After completion of the 200-hour tie-down test, and without intervening major disassembly, the rotor drive system must be subjected to 50 overspeed runs, each 30±3 seconds in duration at 120 percent of maximum continuous speed. These runs must be conducted as follows:

(1) Overspeed runs must be alternated with stabilizing runs of from one to five minutes duration each at 60 to 80 percent of maximum continuous speed.

(2) Acceleration and deceleration must be accomplished in a period not longer than 10 seconds, and the time for changing speeds may not be deducted from the specified time for the overspeed runs.

(3) Overspeed runs must be made with the rotors in the flattest pitch for smooth operation.

(4) If the engines are limited by the engine manufacturer to an overspeed of less than 120 percent of maximum continuous speed for the periods required, the speed used must be the highest speed allowable for the engines involved.

(l) Any components that are affected by maneuvering and gust loads must be investigated for the same flight conditions as are the main rotors, and their service lives must be determined by fatigue tests or by other acceptable methods. In addition, a level of safety equal to that of the main rotors must be provided for—

(1) Each component in the rotor drive system whose failure would cause an uncontrolled landing;

(2) Each component essential to the phasing of rotors on multirotor rotorcraft, or that furnishes a driving link for the essential control of rotors in autorotation; and

(3) Each component common to two or more engines on multiengine rotorcraft.

(m) *Special tests.* Each rotor drive system designed to operate at two or more gear ratios must be subjected to special testing for durations necessary to substantiate the safety of the rotor drive system.

§ 29.927 Additional tests.

Any additional dynamic, endurance, and operational tests, and vibratory investigations necessary to determine that the rotor drive mechanism is safe, must be performed.

§ 29.931 Shafting critical speed.

(a) It must be determined whether the critical speeds of any shafting lie outside the range of allowable engine speeds under idling, power on, and autorotative conditions.

(b) Any critical vibration existing from (and including) clutch engagement to maximum overspeed, during acceleration or deceleration, must be shown to be within safe limits.

(c) If the demonstration required by paragraph (b) of this section is made during the endurance testing, the test schedule may substitute the critical vibratory conditions for equivalent time in appropriate parts of the endurance test procedure.

§ 29.935 Shafting joints.

Each universal joint, slip joint, and other shafting joints whose lubrication is necessary for operation must have provision for lubrication.

FUEL SYSTEM

§ 29.951 General.

(a) Each fuel system must be constructed and arranged to ensure a flow of fuel at a rate and pressure established for proper engine functioning under any likely operating conditions, including the maneuvers for which certification is requested.

(b) Each fuel system must be arranged so that—

(1) No engine or fuel pump can draw fuel from more than one tank at a time; or

(2) There are means to prevent introducing air into the system.

§ 29.953 Fuel system independence.

(a) For category A rotorcraft—

(1) The fuel system must meet the requirements of § 29.903(b); and

(2) Unless other provisions are made to meet subparagraph (1) of this paragraph, the fuel system must allow fuel to be supplied to each engine through a system independent of those parts of each system supplying fuel to other engines.

(b) Each fuel system for a multiengine category B rotorcraft must meet the requirements of paragraph (a)(2) of this section. However, separate fuel tanks need not be provided for each engine.

§ 29.955 Fuel flow.

(a) Each fuel system must provide at least 100 percent of the fuel flow required under the intended operating conditions and maneuvers. This must be shown as follows:

(1) Fuel must be delivered to each engine at a pressure within the limits specified in the engine type certificate.

(2) The quantity of fuel in the tank may not exceed the sum of the amount established as the unusable fuel supply for that tank under §29.959 plus that necessary to show compliance with this section.

(3) Each main pump must be used that is necessary for each operating condition and attitude for which compliance with this section is shown, and the appropriate emergency pump must be substituted for each main pump so used.

(4) If there is a fuel flowmeter, it must be blocked and the fuel must flow through the meter or its bypass.

(b) If an engine can feed from more than one fuel tank, the fuel system must feed promptly when fuel becomes low in one tank and another tank is selected.

§ 29.957 Flow between interconnected tanks.

(a) Where tank outlets are interconnected and allow fuel to flow between them due to gravity or flight accelerations, it must be impossible for fuel to flow between tanks in quantities great enough to cause overflow from the tank vent in any sustained flight condition.

(b) If fuel can be pumped from one tank to another in flight—

(1) The design of the vents and the fuel transfer system must prevent structural damage to tanks from overfilling; and

(2) There must be means to warn the crew before overflow through the vents occurs.

§ 29.959 Unusable fuel supply.

The unusable fuel supply for each tank must be established as not less than the quantity at which the first evidence of malfunction occurs under the most adverse fuel feed condition occurring under any intended operations and flight maneuvers involving that tank.

§ 29.961 Fuel system hot weather operation.

(a) For each rotorcraft—

(1) The fuel system must be arranged to minimize the probability of vapor formation in the system under normal operating conditions; and

(2) Each suction lift fuel system and other fuel systems conducive to vapor formation must be free from vapor lock when using fuel at a temperature of at least 110 degrees F. under critical operating conditions.

(b) For each category A rotorcraft, satisfactory hot weather operation must be shown by showing that there is no evidence of vapor lock or other malfunction when the rotorcraft is climbed from the elevation of the airport selected by the applicant to an altitude of 5,000 feet above the airport elevation, or to the maximum altitude expected in operation, whichever is greater.

(c) Compliance with paragraph (b) of this section must be shown in flight, or on the ground under conditions closely simulating flight conditions, and with—

(1) The engines at takeoff power at the beginning of the test and for the maximum time approved for takeoff power, and at maximum continuous power thereafter;

(2) The weight including full fuel tanks, minimum crew, and only that ballast necessary to maintain the center of gravity within allowable limits;

(3) The speed for best rate of climb under the test conditions; and

(4) Fuel at a temperature of at least 110 degrees F. at the beginning of the demonstration.

(d) If compliance with paragraph (b) of this section is shown in weather cold enough to interfere with the proper conduct of the test, each fuel tank surface, fuel line, and other fuel system parts subject to cold air must be insulated to simulate, insofar as practicable, flight in hot weather.

§ 29.963 Fuel tanks: general.

(a) Each fuel tank must be able to withstand, without failure, the vibration, inertia, fluid, and structural loads to which it may be subjected in operation.

(b) Each fuel tank and its installation must be designed or protected to retain fuel without leakage under the emergency landing conditions in § 29.561.

(c) Each flexible fuel tank liner must be approved or shown to be suitable for the particular application.

(d) Each integral fuel tank must have facilities for inspection and repair of its interior.

§ 29.965 Fuel tank tests.

(a) Each fuel tank must be able to withstand the applicable pressure tests in this section without failure or leakage. If practicable, test pressures may be applied in a manner simulating the pressure distribution in service.

(b) Each conventional metal tank, each nonmetallic tank with walls that are not supported by the rotorcraft structure, and each integral tank must be subjected to a pressure of 3.5 p.s.i. unless the pressure developed during maximum limit acceleration or emergency deceleration with a full tank exceeds this value, in which case a hydrostatic head, or equivalent test, must be applied to duplicate the acceleration loads as far as possible. However, the pressure need not exceed 3.5 p.s.i. on surfaces not exposed to the acceleration loading.

(c) Each nonmetallic tank with walls supported by the rotorcraft structure must be subjected to the following tests:

(1) A pressure test of at least 2.0 p.s.i. This test may be conducted on the tank alone in conjunction with the test specified in subparagraph (2) of this paragraph.

(2) A pressure test, with the tank mounted in the rotorcraft structure,

equal to the load developed by the reaction of the contents, with the tank full, during maximum limit acceleration or emergency deceleration. However, the pressure need not exceed 2.0 p.s.i. on surfaces not exposed to the acceleration loading.

(d) Each tank with large unsupported or unstiffened flat areas, or with other features whose failure or deformation could cause leakage, must be subjected to the following test or its equivalent:

(1) Each complete tank assembly and its supports must be vibration tested while mounted to simulate the actual installation.

(2) The tank assembly must be vibrated for 25 hours while two-thirds full of any suitable fluid. The amplitude of vibration may not be less than one thirty-second of an inch, unless otherwise substantiated.

(3) The test frequency of vibration must be as follows:

(i) If no frequency of vibration resulting from any r.p.m. within the normal operating range of engine or rotor system speeds is critical, the test frequency of vibration, in number of cycles per minute, must be the number obtained by multiplying the maximum continuous engine speed (r.p.m.) by 0.9.

(ii) If only one frequency of vibration resulting from any r.p.m. within the normal operating range of engine or rotor system speeds is critical, that frequency of vibration must be the test frequency.

(iii) If more than one frequency of vibration resulting from any r.p.m. within the normal operating range of engine or rotor system speeds is critical, the most critical of these frequencies must be the test frequency.

(4) Under subparagraph (3) (ii) and (iii), the time of test must be adjusted to accomplish the same number of vibration cycles as would be accomplished in 25 hours at the frequency specified in subparagraph (3) (i).

(5) During the test, the tank assembly must be rocked at the rate of 16 to 20 complete cycles per minute through an angle of 15 degrees on both sides of the horizontal (30 degrees total), about the most critical axis, for 25 hours. If motion about more than one axis is likely to be critical, the tank must be rocked about each critical axis for 12½ hours.

§ 29.967 Fuel tank installation.

(a) Each fuel tank must be supported so that tank loads are not concentrated on unsupported tank surfaces. In addition—

(1) There must be pads, if necessary, to prevent chafing between each tank and its supports;

(2) The padding must be nonabsorbent or treated to prevent the absorption of fuel;

(3) If flexible tank liners are used, they must be supported so that they are not required to withstand fluid loads; and

(4) Each interior surface of tank compartments must be smooth and free of projections that could cause wear of the liner, unless—

(i) There are means for protection of the liner at those points; or

(ii) The construction of the liner itself provides such protection.

(b) Any spaces adjacent to tank surfaces must be adequately ventilated to avoid accumulation of fuel or fumes in those spaces due to minor leakage. If the tank is in a sealed compartment, ventilation may be limited to drain holes that prevent clogging and that prevent excessive pressure resulting from altitude changes. If flexible tank liners are installed, the venting arrangement for the spaces between the liner and its container must maintain the proper relationship to tank vent pressures for any expected flight condition.

(c) The location of each tank must meet the requirements of § 29.1185 (b) and (c).

(d) No rotorcraft skin immediately adjacent to a major air outlet from the engine compartment may act as the wall of an integral tank.

(e) Each fuel tank must be isolated from personnel compartments by a fumeproof and fuelproof enclosure.

(f) Each fuel tank close to personnel compartments, engines, or combustion heaters must be designed, or protected and installed, to retain its contents under the loads specified in § 29.561.

§ 29.969 Fuel tank expansion space.

Each fuel tank must have an expansion space of not less than two percent of the tank capacity. It must be impossible to fill the expansion space inadvertently with the rotorcraft in the normal ground attitude.

§ 29.971 Fuel tank sump.

(a) Each fuel tank must have a sump with a capacity of not less than the greater of—

(1) 0.10 per cent of the tank capacity; or

(2) 1/16 gallon.

(b) The capacity prescribed in paragraph (a) of this section must be effective with the rotorcraft in any normal attitude, and must be located so that the sump contents cannot escape through the tank outlet opening.

(c) Each fuel tank must allow drainage of hazardous quantities of water from each part of the tank to its sump with the rotorcraft in the ground attitude.

(d) Each fuel tank sump must have an accessible and easily operable drain that—

(1) Allows complete drainage of the sump on the ground;

(2) Discharges clear of the entire rotorcraft; and

(3) Has manual or automatic means for positive locking in the closed position.

§ 29.973 Fuel tank filler connection.

(a) Each fuel tank filler connection must prevent the entrance of fuel into any part of the rotorcraft other than the tank itself. In addition—

(1) Each filler must be marked as prescribed in § 29.1557(c) (1);

(2) Each recessed filler connection that can retain any appreciable quantity of fuel must have a drain that discharges clear of the entire rotorcraft; and

(3) Each filler cap must provide a fuel-tight seal under the pressure expected in normal operation.

(b) For category A rotorcraft, each filler cap or filler cap cover must warn when the cap is not fully locked or seated on the filler connection.

§ 29.975 Fuel tank vents and carburetor vapor vents.

(a) *Fuel tank vents.* Each fuel tank must be vented from the top part of the expansion space so that venting is effective under normal flight conditions. In addition—

(1) The vents must be arranged to avoid stoppage by dirt or ice formation;

(2) The vent arrangement must prevent siphoning of fuel during normal operation;

(3) The venting capacity and vent pressure levels must maintain acceptable differences of pressure between the interior and exterior of the tank, during—

(i) Normal flight operation;

(ii) Maximum rate of ascent and descent; and

(iii) Refueling and defueling (where applicable);

(4) Airspaces of tanks with interconnected outlets must be interconnected;

(5) There may be no point in any vent line where moisture can accumulate with the rotorcraft in the ground attitude or the level flight attitude, unless drainage is provided; and

(6) No vent or drainage provision may end at any point—

(i) Where the discharge of fuel from the vent outlet would constitute a fire hazard; or

(ii) From which fumes could enter personnel compartments.

(b) *Carburetor vapor vents.* Each carburetor with vapor elimination connections must have a vent line to lead vapors back to one of the fuel tanks. In addition—

(1) Each vent system must have means to avoid stoppage by ice; and

(2) If there is more than one fuel tank, and it is necessary to use the tanks in a definite sequence, each vapor vent return line must lead back to the fuel tank used for takeoff and landing.

§ 29.977 Fuel tank outlet.

There must be a fuel strainer with 8 to 16 meshes per inch for the fuel tank outlet or for the booster pump. In addition—

(a) The clear area of each fuel tank outlet strainer must be at least five times the area of the outlet line;

(b) The diameter of each strainer must be at least equal to that of the fuel tank outlet; and

(c) Each finger strainer must be accessible for inspection and cleaning.

§ 29.979 Pressure refueling and fueling provisions below fuel level.

(a) Each fueling connection below the fuel level in each tank must have means to prevent the escape of hazardous quan-

tities of fuel from that tank in case of malfunction of the fuel entry valve.

(b) For systems intended for pressure refueling, a means in addition to the normal means for limiting the tank content must be installed to prevent damage to the tank in case of failure of the normal means.

FUEL SYSTEM COMPONENTS

§ 29.991 Fuel pumps.

(a) *Main pumps.* Each fuel pump required for proper engine operation, or required to meet the fuel system requirements of this subpart (other than those in paragraph (b) of this section), is a main pump. For each main pump, provision must be made to allow the bypass of positive displacement fuel pumps other than a fuel injection pump (a pump that supplies the proper flow and pressure for fuel injection when that injection is not accomplished in a carburetor) approved as part of an engine.

(b) *Emergency pumps.* There must be emergency pumps to feed the engines immediately after the failure of any main pump (other than a fuel injection pump approved as part of the engine).

(c) *Installation.* There must be means to maintain the fuel pressure, at the inlet to the carburetor, within the range of limits established for proper engine operation. In addition—

(1) When necessary for the maintenance of the proper fuel pressure—

(i) A connection must be provided to transmit the carburetor air intake static pressure to the proper fuel pump relief valve connection; and

(ii) The gauge balance lines must be independently connected to the carburetor inlet pressure to avoid incorrect fuel pressure readings;

(2) The installation of fuel pumps having seals or diaphragms that may leak must have means for draining leaking fuel; and

(3) Each drain line must discharge where it will not create a fire hazard.

§ 29.993 Fuel system lines and fittings.

(a) Each fuel line must be installed and supported to prevent excessive vibration and to withstand loads due to fuel pressure, valve actuation, and accelerated flight conditions.

(b) Each fuel line connected to components of the rotorcraft between which relative motion could exist must have provisions for flexibility.

(c) Each flexible connection in fuel lines that may be under pressure or subjected to axial loading must use flexible hose assemblies.

(d) Flexible hose must be approved.

(e) No flexible hose that might be adversely affected by high temperatures may be used where excessive temperatures will exist during operation or after engine shutdown.

§ 29.995 Fuel valves.

In addition to meeting the requirements of § 29.1189, each fuel valve must—

(a) Have positive stops or suitable index provisions in the "on" and "off" positions; and

(b) Be supported so that no loads resulting from their operation or from accelerated flight conditions are transmitted to the lines attached to the valve.

§ 29.997 Fuel strainer or filter.

(a) There must be a fuel strainer or filter incorporating a sediment trap and drain in the fuel system between the fuel tanks and the engine. This strainer must be installed in an accessible location.

(b) Each strainer or filter must protect the fuel pumps, fuel controls, and the engine against any foreign matter that might be in the fuel.

(c) Each screening or straining element must be easily cleanable.

(d) Each strainer or filter must be mounted so that its weight is not supported by any connecting line or by the inlet or outlet connections of the strainer or filter itself.

§ 29.999 Fuel system drains.

(a) Drainage of the fuel system must be accomplished by fuel strainer drains and by the drains prescribed in § 29.971.

(b) Each drain must discharge clear of the entire rotorcraft and must have manual or automatic means for positive locking in the closed position.

OIL SYSTEM

§ 29.1011 General.

(a) Each engine must have an independent oil system that can supply it with an appropriate quantity of oil at a temperature not above that safe for continuous operation.

(b) The oil system for components of the rotor drive system that require continuous lubrication must be sufficiently independent of the lubrication systems of the engines to ensure—

(1) Operation with any engine inoperative; and

(2) Safe autorotation.

(c) The usable oil capacity of each system may not be less than the product of the endurance of the rotorcraft under critical operating conditions and the maximum allowable oil consumption of the engine under the same conditions, plus a suitable margin to ensure adequate circulation and cooling. Instead of a rational analysis of endurance and consumption, a usable oil capacity of one gallon for each 40 gallons of usable fuel may be used for reciprocating engine installations.

(d) Oil-fuel ratios lower than those prescribed in paragraph (c) of this section may be used if they are substantiated by data on the oil consumption of the engine.

(e) The ability of the engine and rotor drive system oil cooling provisions to maintain the oil temperature at or below the maximum established value must be shown under the applicable requirements of §§ 29.1041 through 29.1049.

§ 29.1013 Oil tanks.

(a) *Installation.* Each oil tank installation must meet the requirements of § 29.967. However, an engine oil tank may be in a designated fire zone if the tank and its supports are fireproof to the extent that damage by fire to any non-fireproof part will not cause leakage or spillage of oil.

(b) *Expansion space.* Oil tank expansion space must be provided so that—

(1) Each oil tank has an expansion space of not less than the greater of—

(i) 10 percent of the tank capacity; or

(ii) 0.5 gallon;

(2) Each reserve oil tank not directly connected to any engine has an expansion space space of not less than two percent of the tank capacity; and

(3) It is impossible to fill the expansion space inadvertently with the rotorcraft in the normal ground attitude.

(c) *Filler connection.* Each recessed oil tank filler connection that can retain any appreciable quantity of oil must have a drain that discharges clear of the entire rotorcraft. In addition—

(1) Each oil tank filler cap must provide an oil-tight seal under the pressure expected in operation;

(2) For category A rotorcraft, each oil tank filler cap or filler cap cover must incorporate features that provide a warning when caps are not fully locked or seated on the filler connection; and

(3) Each oil filler must be marked under § 29.1557(c)(2).

(d) *Vent.* Oil tanks must be vented as follows:

(1) Each oil tank must be vented from the top part of the expansion space so that venting is effective under all normal flight conditions.

(2) Oil tank vents must be arranged so that condensed water vapor that might freeze and obstruct the line cannot accumulate at any point.

(e) *Outlet.* There must be means to prevent entrance into the tank itself, or into the tank outlet, of any object that might obstruct the flow of oil through the system. No oil tank outlet may be enclosed by a screen or guard that would reduce the flow of oil below a safe value at any operating temperature.

(f) *Flexible liners.* Each flexible oil tank liner must be approved or shown to be suitable for the particular installation.

§ 29.1015 Oil tank tests.

Each oil tank must be designed and installed so that—

(a) It can withstand, without failure, any vibration, inertia, and fluid loads to which it may be subjected in operation; and

(b) It meets the requirements of § 29.965, except that the test pressure specified in § 29.965(b) must be five p.s.i.

§ 29.1017 Oil lines and fittings.

(a) Each oil line must meet the requirements of § 29.993.

(b) Breather lines must be arranged so that—

(1) Condensed water vapor that might freeze and obstruct the line cannot accumulate at any point;

(2) The breather discharge will not constitute a fire hazard if foaming occurs, or cause emitted oil to strike the pilot's windshield; and

(3) The breather does not discharge into the engine air induction system.

§ 29.1019 Oil strainer or filter.

Each oil strainer or filter in the powerplant installation must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter element completely blocked.

§ 29.1021 Oil system drains.

There must be at least one accessible drain that—

(a) Allows safe drainage of the entire oil system; and

(b) Has manual or automatic means for positive locking in the closed position.

§ 29.1023 Oil radiators.

(a) Each oil radiator must be able to withstand any vibration, inertia, and oil pressure loads to which it would be subjected in operation.

(b) Each oil radiator air duct must be located, or equipped, so that, in case of fire, and with the airflow as it would be with and without the engine operating, flames cannot directly strike the radiator.

§ 29.1025 Oil valves.

(a) Each oil shutoff must meet the requirements of § 29.1189.

(b) The closing of oil shutoffs may not prevent autorotation.

(c) Each oil valve must have positive stops or suitable index provisions in the "on" and "off" positions and must be supported so that no loads resulting from its operation or from accelerated flight conditions are transmitted to the lines attached to the valve.

COOLING

§ 29.1041 General.

(a) The powerplant cooling provisions must be able to maintain the temperatures of powerplant components, engine fluids, and the carburetor intake air within safe values under any critical surface (ground or water) and flight operating conditions.

(b) There must be cooling provisions to maintain the fluid temperatures in any power transmission within safe values under any critical surface (ground or water) and flight operating conditions.

(c) Compliance with paragraphs (a) and (b) of this section must be shown by flight tests in which the temperatures of selected powerplant component, engine, and transmission fluids are obtained under the conditions prescribed in those paragraphs.

§ 29.1043 Cooling tests.

(a) *General.* For the tests prescribed in § 29.1041(c), the following apply:

(1) If the tests are conducted under conditions deviating from the maximum anticipated air temperature specified in paragraph (b) of this section, the recorded powerplant temperatures must be corrected under paragraphs (c) and (d) of this section, unless a more rational correction method is applicable.

(2) No corrected temperature determined under subparagraph (1) of this paragraph may exceed established limits.

(3) The fuel used during the cooling tests must be of the minimum grade approved for the engines, and the mixture settings must be those used in normal operation.

(4) The test procedures must be as prescribed in §§ 29.1045 through 29.1049.

(b) *Maximum anticipated air temperature.* For cooling tests, the maximum anticipated temperature (hot-day condition) is 100 degrees F. at sea level, decreasing from this value at the rate of 3.6 degrees F. per thousand feet of altitude above sea level up to the altitude at which a temperature of −69.7 degrees F. is reached, above which altitude the temperature is constant at −69.7 degrees F.

(c) *Correction factor for cylinder head, oil inlet, carburetor air, and engine and transmission coolant outlet temperatures.* The cylinder head, oil inlet, carburetor air, and engine coolant outlet temperatures must be corrected by adding to them the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of the maximum head, oil, air, or coolant temperatures recorded during the cooling test.

(d) *Correction factor for cylinder barrel temperatures.* Cylinder barrel temperatures must be corrected by adding to them 0.7 times the difference between the maximum anticipated air temperatures and the temperature of the ambient air at the time of the first occurrence of the maximum cylinder barrel temperature recorded during the cooling test.

§ 29.1045 Climb cooling test procedures.

(a) Climb cooling tests must be conducted under this section for—

(1) Category A rotorcraft; and

(2) Multiengine category B rotorcraft for which certification is requested under the category A powerplant installation requirements, and under the requirements of § 29.861(a) at the steady rate of climb or descent established under § 29.67(b).

(b) The climb or descent cooling tests must be conducted with the engine inoperative that produces the most adverse cooling conditions for the remaining engines and powerplant components.

(c) Each operating engine must be at maximum continuous power or at full throttle when above the critical altitude.

(d) After temperatures have stabilized in flight, the climb must be—

(1) Begun from an altitude not greater than the lower of—

(i) 1,000 feet below the engine critical altitude; and

(ii) 1,000 feet below the maximum altitude at which the rate of climb is 150 f.p.m.; and

(2) Continued for at least five minutes after the occurrence of the highest temperature recorded, or until the rotorcraft reaches the maximum altitude for which certification is requested.

(e) For category B rotorcraft without a positive rate of climb, the descent must begin at the all-engine-critical altitude and end at the higher of—

(1) The maximum altitude at which level flight can be maintained with one engine operative; and

(2) Sea level.

(f) The climb or descent must be conducted at an airspeed representing a normal operational practice for the configuration being tested. However, if the cooling provisions are sensitive to rotorcraft speed, the most critical airspeed must be used, but need not exceed the speeds established under § 29.67(a)(2) or § 29.67(b). The climb cooling test may be conducted in conjunction with the takeoff cooling test of § 29.1047.

§ 29.1047 Takeoff cooling test procedures.

(a) *Category A.* For each category A rotorcraft, cooling must be shown during takeoff and subsequent climb as follows:

(1) Each temperature must be stabilized while hovering in ground effect with—

(i) The power necessary for hovering;

(ii) The appropriate cowl flap and shutter settings; and

(iii) The maximum weight.

(2) After the temperatures have stabilized, a climb must be started at the lowest practicable altitude and must be conducted with one engine inoperative.

(3) The operating engines must be at takeoff r.p.m. and power (or at full throttle when above the takeoff critical altitude) for the same time interval as takeoff power is used in determining the takeoff flight path under § 29.59.

(4) At the end of the time interval prescribed in subparagraph (3) of this paragraph, the power must be reduced to maximum continuous power and the climb must be continued for at least five minutes after the occurrence of the highest temperature recorded.

(5) The speeds must be those used in determining the takeoff flight path under § 29.59.

(b) *Category B.* For each category B rotorcraft, cooling must be shown during takeoff and subsequent climb as follows:

(1) Each temperature must be stabilized while hovering in ground effect with—

(i) The power necessary for hovering;

(ii) The appropriate cowl flap and shutter settings; and

(iii) The maximum weight.

(2) After the temperatures have stabilized, a climb must be started at the lowest practicable altitude with takeoff power.

(3) Takeoff power must be used for the same time interval as takeoff power is used in determining the takeoff flight path under § 29.63.

(4) At the end of the time interval prescribed in subparagraph (3) of this paragraph, the power must be reduced to maximum continuous power and the climb must be continued for at least five minutes after the occurrence of the highest temperature recorded.

(5) The cooling test must be conducted at an airspeed corresponding to normal operating practice for the configuration being tested. However, if the cooling provisions are sensitive to rotorcraft speed, the most critical airspeed must be used, but need not exceed the speed for best rate of climb with maximum continuous power.

§ 29.1049 Hovering cooling test procedures.

The hovering cooling provisions must be shown—

(a) At maximum weight or at the greatest weight at which the rotorcraft can hover (if less), at sea level, with the power required to hover but not more than maximum continuous power, in the ground effect in still air, until at least five minutes after the occurrence of the highest temperature recorded; and

(b) With maximum continuous power, maximum weight, and at the altitude resulting in zero rate of climb for this configuration, until at least five minutes after the occurrence of the highest temperature recorded.

INDUCTION SYSTEM

§ 29.1091 Air induction.

(a) The air induction system for each engine must supply the air required by that engine under the operating conditions for which certification is requested.

(b) Each engine air induction system must provide air for proper fuel metering and mixture distribution with the induction system valves in any position.

(c) No air intake may open within the engine accessory section or within other areas of any powerplant compartment where emergence of backfire flame would constitute a fire hazard.

(d) Each engine must have an alternate air source.

(e) Each alternate air intake must be located to prevent the entrance of rain, ice, or other foreign matter.

§ 29.1093 Induction system icing protection.

Each engine air induction system must have means to prevent and eliminate icing. Unless this is done by other means, it must be shown that, in air free of visible moisture at a temperature of 30 degrees F., and with the engines at 60 percent of maximum continuous power—

(a) Each rotorcraft with sea level engines using conventional venturi carburetors has a preheater that can provide a heat rise of 90 degrees F.;

(b) Each rotorcraft with sea level engines using carburetors tending to prevent icing has a preheater that can provide a heat rise of 70 degrees F.;

(c) Each rotorcraft with altitude engines using conventional venturi carburetors has a preheater that can provide a heat rise of 120 degrees F.; and

(d) Each rotorcraft with altitude engines using carburetors tending to prevent icing has a preheater that can provide a heat rise of 100 degrees F.

§ 29.1101 Carburetor air preheater design.

Each carburetor air preheater must be designed and constructed to—

(a) Ensure ventilation of the preheater when the engine is operated in cold air;

(b) Allow inspection of the exhaust manifold parts that it surrounds; and

(c) Allow inspection of critical parts of the preheater itself.

§ 29.1103 Induction system ducts.

(a) Each induction system duct upstream of the first stage of the supercharger must have a drain to prevent the hazardous accumulation of fuel and moisture in the ground attitude. No drain may discharge where it might cause a fire hazard.

(b) Each duct must be strong enough to prevent induction system failure from normal backfire conditions.

(c) Each duct connected to components between which relative motion could exist must have means for flexibility.

(d) Each duct within any fire zone for which a fire-extinguishing system is required must be at least—

(1) Fireproof, if it passes through any firewall; or

(2) Fire resistant, for other ducts.

§ 29.1105 Induction system screens.

If induction system screens are used—

(a) Each screen must be upstream of the carburetor;

(b) No screen may be in any part of the induction system that is the only passage through which air can reach the engine, unless it can be deiced by heated air;

(c) No screen may be deiced by alcohol alone; and

(d) It must be impossible for fuel to strike any screen.

§ 29.1107 Inter-coolers and after-coolers.

Each inter-cooler and after-cooler must be able to withstand the vibration, inertia, and air pressure loads to which it would be subjected in operation.

§ 29.1109 Carburetor air cooling.

It must be shown under § 29.1043 that each installation using two-stage superchargers has means to maintain the air temperature, at the carburetor inlet, at or below the maximum established value.

EXHAUST SYSTEM

§ 29.1121 General.

(a) Each exhaust system must ensure safe disposal of exhaust gases without fire hazard or carbon monoxide contamination in any personnel compartment.

(b) Unless suitable precautions are taken, no exhaust system part may be dangerously close to any system carrying flammable fluids or vapors, or under any such system that may leak.

(c) Each component upon which hot exhaust gases could impinge, or that could be subjected to high temperatures from exhaust system parts, must be fireproof. Each exhaust system component must be separated by a fireproof shield from adjacent parts of the rotorcraft that are outside the engine compartment.

(d) No exhaust gases may discharge so as to cause a fire hazard with respect to any flammable fluid vent or drain.

(e) No exhaust gases may discharge where they will cause a glare seriously affecting pilot vision at night.

(f) Each exhaust system component must be ventilated to prevent points of excessively high temperature.

(g) Each exhaust shroud must be ventilated or insulated to avoid, during normal operation, a temperature high enough to ignite any flammable fluids or vapors outside the shroud.

§ 29.1123 Exhaust piping.

(a) Exhaust piping must be heat and corrosion resistant, and must have provisions to prevent failure due to expansion by operating temperatures.

(b) Exhaust piping must be supported to withstand any vibration and inertia loads to which it would be subjected in operation.

(c) Exhaust piping connected to components between which relative motion could exist must have provisions for flexibility.

§ 29.1125 Exhaust heat exchangers.

(a) Each exhaust heat exchanger must be constructed and installed to withstand the vibration, inertia, and other loads to which it would be subjected in operation. In addition—

(1) Each exchanger must be suitable for continued operation at high temperatures and resistant to corrosion from exhaust gases;

(2) There must be means for inspecting of the critical parts of each exchanger;

(3) Each exchanger must have cooling provisions wherever it is subject to contact with exhaust gases; and

(4) No exhaust heat exchanger or muff may have stagnant areas or liquid traps that would increase the probability of ignition of flammable fluids or vapors that might be present in case of the failure or malfunction of components carrying flammable fluids.

(b) If an exhaust heat exchanger is used for heating ventilating air used by personnel—

(1) There must be a secondary heat exchanger between the primary exhaust gas heat exchanger and the ventilating air system; or

(2) Other means must be used to prevent harmful contamination of the ventilating air.

POWERPLANT CONTROLS AND ACCESSORIES

§ 29.1141 Powerplant controls: general.

(a) Powerplant controls must be located and arranged under § 29.777 and marked under § 29.1555.

(b) Each control must be located so that it cannot be inadvertently operated by persons entering, leaving, or moving normally in, the cockpit.

(c) Each flexible powerplant control must be approved.

(d) Each control must be able to maintain any set position without—

(1) Constant attention; or

(2) Tendency to creep due to control loads or vibration.

(e) Each control must be able to withstand operating loads without excessive deflection.

§ 29.1143 Throttle and antidetonant injection system controls.

(a) There must be a separate throttle control for each engine.

(b) Throttle controls must be arranged to allow ready synchronization of all engines by—

(1) Separate control of each engine; and

(2) Simultaneous control of all engines.

(c) Each throttle control must provide a positive and immediately responsive means of controlling its engine.

(d) Each antidetonant injection system control must be in the throttle controls. However, the antidetonant injection pump may have a separate control.

§ 29.1145 Ignition switches.

(a) Ignition switches must control each ignition circuit on each engine.

(b) There must be means to quickly shut off all ignition by the grouping of switches or by a master ignition control.

(c) Each master ignition control must have a guard to prevent its inadvertent operation.

§ 29.1147 Mixture controls.

(a) If there are mixture controls, each engine must have a separate control, and the controls must be arranged to allow—

(1) Separate control of each engine; and

(2) Simultaneous control of all engines.

(b) Each intermediate position of the mixture controls that corresponds to a normal operating setting must be identifiable by feel and sight.

§ 29.1151 Rotor brake controls.

(a) It must be impossible to apply the rotor brake inadvertently in flight.

(b) There must be means to warn the crew if the rotor brake has not been completely released before takeoff.

§ 29.1157 Carburetor air temperature controls.

There must be a separate carburetor air temperature control for each engine.

§ 29.1159 Supercharger controls.

Each supercharger control must be accessible to—

(a) The pilots; or

(b) (If there is a separate flight engineer station with a control panel) the flight engineer.

§ 29.1163 Powerplant accessories.

(a) Each engine-mounted accessory must—

(1) Be approved for mounting on the engine involved; and

(2) Use the provisions on the engine for mounting.

(b) Electrical equipment subject to arcing or sparking must be installed to minimize the probability of igniting flammable fluids or vapors.

(c) If, continued rotation of an engine-driven cabin supercharger or any remote accessory driven by the engine will be a hazard if they malfunction, there must be means to prevent their hazardous rotation without interfering with the continued operation of the engine.

§ 29.1165 Engine ignition systems.

(a) Each battery ignition system must be supplemented with a generator that is automatically available as an alternate source of electrical energy to allow continued engine operation if any battery becomes depleted.

(b) The capacity of batteries and generators must be large enough to meet the simultaneous demands of the engine ignition system and the greatest demands of any electrical system components that draw from the same source.

(c) The design of the engine ignition system must account for—

(1) The condition of an inoperative generator;

(2) The condition of a completely depleted battery with the generator running at its normal operating speed; and

(3) The condition of a completely depleted battery with the generator operating at idling speed, if there is only one battery.

(d) Magneto ground wiring (for separate ignition circuits) that lies on the engine side of any firewall must be installed, located, or protected, to minimize the probability of the simultaneous failure of two or more wires as a result of mechanical damage, electrical fault, or other cause.

(e) No ground wire for any engine may be routed through a fire zone of another engine unless each part of that wire within that zone is fireproof.

(f) Each ignition system must be independent of any electrical circuit not used for analyzing the operation of that system.

(g) There must be means to warn appropriate crewmembers if the malfunctioning of any part of the electrical system is causing the continuous discharge of any battery necessary for engine ignition.

Powerplant Fire Protection

§ 29.1181 Designated fire zones: regions included.

(a) Designated fire zones are—

(1) The engine power section;

(2) The engine accessory section;

(3) Any complete powerplant compartment in which there is no isolation between the engine power section and the engine accessory section;

(4) Any auxiliary power unit compartment; and

(5) Any fuel-burning heater and other combustion equipment installation described in § 29.859.

(b) Each designated fire zone must meet the requirements of §§ 29.1183 through 29.1203.

§ 29.1183 Lines and fittings.

(a) Except as provided in paragraph (b) of this section, each line and fitting carrying flammable fluids in any area subject to engine fire conditions, and each oil line or fitting in a designated fire zone, must meet the following requirements:

(1) The line and fitting must be at least fire resistant.

(2) Flexible hose assemblies (hose and end fittings) must be approved.

(b) Paragraph (a) of this section does not apply to—

(1) Lines and fittings forming an integral part of an engine; and

(2) Vent and drain lines, and their fittings, whose failure will not result in or add to, a fire hazard.

§ 29.1185 Flammable fluids.

(a) No tank or reservoir that is part of a system containing flammable fluids or gases may be in a designated fire zone unless the fluid contained, the design of the system, the materials used in the tank and its supports, the shutoff means, and the connections, lines, and controls provide a degree of safety equal to that which would exist if the tank or reservoir were outside such a zone.

(b) Each fuel tank must be isolated from the engines by a firewall or shroud.

(c) There must be at least one-half inch of clear airspace between each tank or reservoir and each firewall or shroud isolating a designated fire zone, unless equivalent means are used to prevent heat transfer from the fire zone to the flammable fluid.

(d) Absorbent material close to flammable fluid system components that might leak must be covered or treated to prevent the absorption of hazardous quantities of fluids.

§ 29.1187 Drainage and ventilation of fire zones.

(a) There must be complete drainage of each part of each designated fire zone to minimize the hazards resulting from failure or malfunction of any component containing flammable fluids. The drainage means must be—

(1) Effective under conditions expected to prevail when drainage is needed; and

(2) Arranged so that no discharged fluid will cause an additional fire hazard.

(b) Each designated fire zone must be ventilated to prevent the accumulation of flammable vapors.

(c) No ventilation opening may be where it would allow the entry of flammable fluids, vapors, or flame from other zones.

(d) Ventilation means must be arranged so that no discharged vapors will cause an additional fire hazard.

(e) For category A rotorcraft, there must be means to allow the crew to shut off the sources of forced ventilation in any fire zone (other than the engine power section of the powerplant compartment) unless the amount of extinguishing agent and the rate of discharge are based on the maximum airflow through that zone.

§ 29.1189 Shutoff means.

(a) Except for lines forming an integral part of an engine, and except for engine oil systems in category B rotorcraft using engines of less than 500 cubic inches displacement, there must be means to shut off or otherwise prevent hazardous quantities of fuel, oil, deicing fluid, and other flammable fluids from flowing into, within, or through any designated fire zone.

(b) The closing of any fuel shutoff valve for any engine may not make fuel unavailable to the remaining engines.

(c) For category A rotorcraft, no hazardous quantity of flammable fluid may drain into any designated fire zone after shutoff has been accomplished, nor may the closing of any fuel shutoff valve for an engine make fuel unavailable to the remaining engines.

(d) The operation of any shutoff may not interfere with the later emergency operation of any other equipment, such as the means for declutching the engine from the rotor drive.

(e) Each shutoff must be outside of designated fire zones, unless an equal degree of safety is otherwise provided.

(f) There must be means to prevent inadvertent operation of each shutoff and to make it possible for the crew to reopen it in flight after it has been closed.

§ 29.1191 Firewalls.

(a) Each engine must be isolated by a firewall, shroud, or equivalent means, from personnel compartments, structures, controls, rotor mechanisms, and other parts that are—

(1) Essential to controlled flight and landing; and

(2) Not protected under § 29.861.

(b) Each auxiliary power unit, combustion heater, and other combustion equipment to be used in flight, must be isolated from the rest of the rotorcraft by firewalls, shrouds, or equivalent means.

(c) Each firewall or shroud must be constructed so that no hazardous quantity of air, fluid, or flame can pass from any engine compartment to other parts of the rotorcraft.

(d) Each opening in the firewall or shroud must be sealed with close-fitting fireproof grommets, bushings, or firewall fittings.

(e) Each firewall and shroud must be fireproof and protected against corrosion.

(f) In meeting this section, account must be taken of the probable path of a fire as affected by the airflow in normal flight and in autorotation.

§ 29.1193 Cowling and engine compartment covering.

(a) Each cowling and engine compartment covering must be constructed and supported so that it can resist the vibration, inertia, and air loads to which it may be subjected in operation.

(b) Cowling must meet the drainage and ventilation requirements of § 29.1187.

(c) On rotorcraft with a diaphragm isolating the engine power section from the engine accessory section, each part of the accessory section cowling subject to flame in case of fire in the engine power section of the powerplant must—

(1) Be fireproof; and

(2) Meet the requirements of § 29.1191.

(d) Each part of the cowling or engine compartment covering subject to high temperatures due to its nearness to exhaust system parts or exhaust gas impingement must be fireproof.

(e) Each category A rotorcraft must—

(1) Be designed and constructed so that no fire originating in any fire zone can enter, either through openings or by burning through external skin, any other zone or region where it would create additional hazards;

(2) Meet the requirements of subparagraph (1) of this paragraph with the landing gear retracted (if applicable); and

(3) Have fireproof skin in areas subject to flame if a fire starts in the engine power or accessory sections.

§ 29.1195 Fire extinguishing systems.

(a) Each rotorcraft, other than category B rotorcraft with engines of 1,500 cubic inches displacement or less, must have a fire extinguishing system for the designated fire zones. The fire extinguishing system must be able to simultaneously protect each zone of each powerplant compartment for which protection is provided.

(b) For multiengine rotorcraft—

(1) The fire extinguishing system, the quantity of extinguishing agent, and the rate of discharge must provide at least two adequate discharges, or, in the case of auxiliary power units and combustion equipment, at least one adequate discharge; and

(2) It must be possible to direct both discharges of the fire extinguishing system to any main engine installation.

(c) For single engine rotorcraft, the quantity of extinguishing agent and the rate of discharge must provide at least one adequate discharge for the engine compartment.

§ 29.1197 Fire extinguishing agents.

(a) Extinguishing agents must be methyl bromide, carbon dioxide, or any agent with equal extinguishing action.

(b) If methyl bromide, carbon dioxide, or any other toxic extinguishing agent is used, it must be shown by test that entry of harmful concentrations of fluid or fluid vapors into any personnel compartment (due to leakage during normal operation of the rotorcraft, or discharge on the ground or in flight) is prevented, even though a defect may exist in the extinguishing system.

(c) Each methyl bromide container must be charged with a dry agent and sealed. This must be done by—

(1) The fire extinguisher manufacturer; or

(2) Any person using appropriate recharging equipment.

§ 29.1199 Extinguishing agent containers.

(a) Each extinguishing agent container must have a pressure relief to prevent bursting of the container by excessive internal pressures.

(b) Each discharge line from a relief connection must end outside the rotorcraft in a location convenient for inspection on the ground.

(c) There must be a visual discharge indicator at the discharge end of each discharge line.

(d) The temperature of each container must be maintained, under intended operating conditions, to prevent the pressure in the container from—

(1) Falling below that necessary to provide an adequate rate of discharge; or

(2) Rising high enough to cause premature discharge.

§ 29.1201 Fire extinguishing system materials.

(a) No materials in any fire extinguishing system may react chemically with any extinguishing agent so as to create a hazard.

(b) Each system component in an engine compartment must be fireproof.

§ 29.1203 Fire detector systems.

(a) For rotorcraft other than category B rotorcraft with engines of 900 cubic inches displacement or less, there must be approved, quick-acting fire detectors in designated fire zones in numbers and locations ensuring prompt detection of fire in those zones.

(b) Each fire detector must be constructed and installed to withstand any vibration, inertia, and other loads to which it would be subjected in operation.

(c) No fire detector may be affected by any oil, water, other fluids, or fumes that might be present.

(d) There must be means to allow crewmembers to check, in flight, the functioning of each fire detector system electrical circuit.

(e) The wiring and other components of each fire detector system in an engine compartment must be at least fire resistant.

(f) No fire detector system component for any fire zone may pass through another fire zone, unless—

(1) It is protected against the possibility of false warnings resulting from fires in zones through which it passes; or

(2) The zones involved are simultaneously protected by the same detector and extinguishing systems.

Subpart F—Equipment

General

§ 29.1301 Function and installation.

Each item of installed equipment must—

(a) Be of a kind and design appropriate to its intended function;

(b) Be labeled as to its identification, function, or operating limitations, or any applicable combination of these factors;

(c) Be installed according to limitations specified for that equipment; and

(d) Function properly when installed.

§ 29.1303 Flight and navigation instruments.

The following are required flight and navigational instruments:

(a) An airspeed indicating system.

(b) A sensitive altimeter.

(c) A magnetic direction indicator.

(d) A clock (sweep-second).

(e) A free-air temperature indicator.

(f) A non-tumbling gyroscopic bank and pitch indicator.

(g) A gyroscopic rate-of-turn indicator with bank indicator.

(h) A gyroscopic direction indicator.

(i) A rate-of-climb (vertical speed) indicator.

§ 29.1305 Powerplant instruments.

The following are required powerplant instruments:

(a) For each rotorcraft—

(1) A carburetor air temperature indicator for each engine;

(2) A cylinder head temperature indicator for each air-cooled engine, and a coolant temperature indicator for each liquid-cooled engine;

(3) A fuel quantity indicator for each fuel tank;

(4) If an engine can be supplied with fuel from more than one tank, a warning device to indicate, for each tank, when a five-minute usable fuel supply remains when the rotorcraft is in the most adverse fuel feed condition for that tank, regardless of whether that condition can be sustained for the five minutes;

(5) A manifold pressure indicator, for each altitude engine;

(6) An oil pressure warning device for each pressure-lubricated gearbox to indicate when the oil pressure falls below a safe value;

(7) An oil quantity indicator for each oil tank and each rotor drive gearbox, if lubricant is self contained;

(8) An oil temperature indicator for each engine;

(9) An oil temperature warning device to indicate when the oil temperature exceeds a safe value in each main rotor drive gearbox (including all gearboxes essential to rotor phasing) having an oil system independent of the engine oil system;

(10) At least one tachometer to indicate as applicable—

(i) The r.p.m. of the single main rotor;

(ii) The common r.p.m. of any main rotors whose speeds cannot vary appreciably with respect to each other; and

(iii) The r.p.m. of each main rotor whose speed can vary appreciably with respect to that of another main rotor; and

(11) A tachometer for each engine that, if combined with the applicable instrument required by subparagraph (10) of this paragraph, indicates rotor r.p.m. during autorotation.

(b) For category A rotorcraft—

(1) An individual oil pressure indicator for each engine, and either an independent warning device for each engine or a master warning device for the engines with means for isolating the individual warning circuit from the master warning device;

(2) An individual fuel pressure indicator for each engine, and either an independent warning device for each engine or a master warning device for the engines with means for isolating the individual warning circuit from the master warning device; and

(3) Fire warning indicators.

(c) For category B rotorcraft—

(1) An individual oil pressure indicator for each engine;

(2) An individual fuel pressure indicator for each engine; and

(3) Fire warning indicators, when fire detection is required.

§ 29.1307 Miscellaneous equipment.

The following is required miscellaneous equipment:

(a) An approved seat for each occupant.

(b) An approved safety belt for each occupant.

(c) A master switch arrangement for electrical circuits other than ignition.

(d) An adequate source of electrical energy.

(e) Electrical protective devices.

(f) Hand fire extinguishers.

(g) A windshield wiper or equivalent device for each pilot station.

(h) A two-way radio communication system.

(i) An ignition switch for each, and for all, engines, as prescribed in § 29.1145.

§ 29.1309 Equipment, systems, and installations.

(a) *Functioning and reliability.* The equipment, systems, and installations whose functioning is required by this subchapter must be designed and installed to ensure that they perform their intended functions under any foreseeable operating condition.

(b) *Hazards.* The equipment, systems, and installations must be designed to prevent hazards to the rotorcraft if they malfunction or fail.

(c) *Electrical systems.* For electrical systems, equipment, and installations, critical environmental conditions must be considered in meeting the requirements of paragraphs (a) and (b) of this section.

(d) *Category A; power supply.* Each installation whose functioning is required by this subchapter and that requires a power supply is an "essential load" on the power supply. The power sources and the system must be able to supply the following power loads in probable operating combinations and for probable durations:

(1) Loads connected to the system with the system functioning normally.

(2) Essential loads, after failure of any one prime mover, power converter, or energy storage device.

(3) Essential loads, after failure of—

(i) Any one engine, on rotorcraft with two or three engines; and

(ii) Any two engines, on rotorcraft with four or more engines.

(e) *Category A; assumptions.* In determining compliance with paragraph (d) (2) and (3), the power loads may be assumed to be reduced under a monitoring procedure consistent with safety in the kinds of operation authorized. Loads not required for controlled flight need not be considered for the two-engine-inoperative condition on rotorcraft with four or more engines.

Instruments Installation

§ 29.1321 Arrangement and visibility.

(a) Each flight, navigation, and powerplant instrument for use by any pilot must be easily visible to him from his station with the minimum practicable deviation from his normal position and line of vision when he is looking forward along the flight path.

(b) Each instrument necessary for safe operation, including the airspeed indicator, gyroscopic direction indicator, gyroscopic bank and pitch indicator, gyroscopic turn and bank indicator, altimeter, rate-of-climb indicator, rotor tachometers, and manifold pressure indicator, must be grouped and centered as nearly as practicable about the vertical plane of the pilot's forward vision.

(c) Other required powerplant instruments must be closely grouped on the instrument panel.

(d) Identical powerplant instruments for the engines must be located so as to prevent any confusion as to which engine each instrument relates.

(e) Each powerplant instrument vital to safe operation must be plainly visible to appropriate crewmembers.

(f) Instrument panel vibration may not damage, or impair the readability or accuracy of, any instrument.

§ 29.1323 Airspeed indicating system.

For each airspeed indicating system, the following apply:

(a) Each airspeed indicating instrument must be calibrated to indicate true airspeed (at sea level with a standard atmosphere) with a minimum practicable instrument calibration error when the corresponding pitot and static pressures are applied.

(b) Each system must be calibrated to determine the system error, that is, the relation between IAS and CAS. This calibration must be determined, over an appropriate range of speeds—

(1) In flight, for the flight conditions of climb, level flight, and autorotation; and

(2) In ground effect, during the accelerated takeoff run.

(c) For multiengine rotorcraft, the airspeed error of the installation, including the airspeed indicator instrument

calibration error, may not exceed three percent, or five m.p.h., whichever is greater—

(1) Throughout the speed range in level flight at forward speeds of 10 m.p.h. or over; and

(2) Throughout the speed range in climb from 10 m.p.h. below the takeoff climbout safety speed to 10 m.p.h above the best rate-of-climb speed.

(d) For single engine rotorcraft, calibration of the airspeed indicator must be made in flight at forward speeds of 10 m.p.h. or over. The airspeed error of the installation, including the airspeed indicator instrument calibration error, may not exceed three percent, or five m.p.h., whichever is greater, at any forward speed above 80 percent of the climbout speed.

(e) Each system must be arranged, so far as practicable, to prevent malfunction or serious error due to the entry of moisture, dirt, or other substances.

(f) Each system must have a heated pitot tube or an equivalent means of preventing malfunction due to icing.

§ 29.1325 Static air vent and pressure altimeter systems.

(a) Each instrument with static air case connections must be vented to the outside atmosphere through an appropriate piping system.

(b) Each vent must be located where its orifices are least affected by airflow variation, moisture, or other foreign matter.

(c) Except for the vent into the atmosphere, each system must be airtight.

(d) Each pressure altimeter must be approved and calibrated to indicate pressure altitude in a standard atmosphere with a minimum practicable calibration error when the corresponding static pressures are applied.

(e) Each system must be designed and installed so that the error in indicated pressure altitude at sea level with a standard atmosphere, excluding instrument calibration error, does not result in an error of more than ±30 feet in the level flight speed range from 0 m.p.h. to 0.9 V_H.

§ 29.1327 Magnetic direction indicator.

(a) Each magnetic direction indicator must be installed so that its accuracy is not excessively affected by the rotorcraft's vibration or magnetic fields.

(b) The compensated installation may not have a deviation, in level flight, greater than 10 degrees on any heading.

§ 29.1329 Automatic pilot system.

(a) Each automatic pilot system must be approved, and must be designed so that the automatic pilot can—

(1) Be quickly and positively disengaged by the pilots to prevent it from interfering with their control of the rotorcraft; or

(2) Be sufficiently overpowered by one pilot to let him control the rotorcraft.

(b) Unless there is automatic synchronization, each system must have a means to readily indicate to the pilot the alignment of the actuating device in relation to the control system it operates.

(c) Each manually operated control for the system's operation must be readily accessible to the pilots.

(d) The system must be designed and adjusted so that, within the range of adjustment available to the pilot, it cannot produce hazardous loads on the rotorcraft, or create hazardous deviations in the flight path, under any flight condition appropriate to its use, either during normal operation or in the event of a malfunction, assuming that corrective action begins within a reasonable period of time.

§ 29.1331 Instruments using a power supply.

For category A rotorcraft—

(a) Each required flight instrument using a power supply must have—

(1) Two independent sources of power;

(2) A means of selecting either power source; and

(3) A means to indicate the adequacy of the power being supplied; and

(b) The installation and power supply system must be such that failure of any flight instrument connected to one source, or of the energy supply from one source, or a fault in any part of the power distribution system does not interfere with the proper supply of energy from any other source.

§ 29.1333 Duplicate instrument systems.

If duplicate flight instruments are required by any operating rule in this chapter—

(a) Each operating system for flight instruments for the first pilot and that is required to be duplicated at other flight crew stations must be independent of the operating system for other flight crew stations;

(b) Only the required flight instruments, and duplicates of required instruments, provided for the first pilot, may be connected to the operating system provided for him; and

(c) If instruments other than required instruments and their duplicates are connected to systems other than the first pilot's operating system, there must be means to disconnect or isolate those instruments in flight.

§ 29.1337 Powerplant instruments.

(a) *Instrument lines.* Each powerplant instrument line must meet the requirements of §§ 29.993 and 29.1183. Each line carrying flammable fluids or gases under pressure must have restricting orifices or equivalent safety devices at the source of pressure to prevent the escape of excessive fluid or gas if the line fails.

(b) *Fuel quantity indicator.* There must be means to indicate to the flight crew members the quantity, in gallons or equivalent units, of usable fuel in each tank during flight. In addition—

(1) Each fuel quantity indicator must be calibrated to read "zero" during level flight when the quantity of fuel remaining in the tank is equal to the unusable fuel supply determined under § 29.959;

(2) When two or more tanks are closely interconnected by a gravity feed system and vented, and when it is impossible to feed from each tank separately, at least one fuel quantity indicator must be installed;

(3) Tanks with interconnected outlets and airspaces may be treated as one tank and need not have separate indicators; and

(4) Each exposed sight gauge used as a fuel quantity indicator must be protected against damage.

(c) *Fuel flowmeter system.* If a fuel flowmeter system is installed, each metering component must have a means for bypassing the fuel supply if malfunction of that component severely restricts fuel flow.

(d) *Oil quantity indicator.* There must be a stick gauge or equivalent means to indicate the quantity of oil—

(1) In each tank, and

(2) In each transmission gearbox.

ELECTRICAL SYSTEMS AND EQUIPMENT

§ 29.1351 General.

(a) *Electrical system capacity.* The required generating capacity and the number and kind of power sources must—

(1) Be determined by an electrical load analysis; and

(2) Meet the requirements of § 29.1309.

(b) *Generating system.* The generating system includes electrical power sources, main power busses, transmission cables, and associated control, regulation, and protective devices. It must be designed so that—

(1) Power sources function properly when independent and when connected in combination;

(2) No failure or malfunction of any power source can create a hazard or impair the ability of remaining sources to supply essential loads;

(3) The system voltage and frequency (as applicable) at the terminals of essential load equipment can be maintained within the limits for which the equipment is designed, during any probable operating condition;

(4) System transients due to switching, fault clearing, or other causes do not make essential loads inoperative, and do not cause a smoke or fire hazard;

(5) There are means accessible in flight to appropriate crewmembers for the individual and collective disconnection of the electrical power sources from the main bus; and

(6) There are means to indicate to appropriate crewmembers the generating system quantities essential for the safe operation of the system, such as the voltage and current supplied by each generator.

§ 29.1353 Electrical equipment and installations.

(a) Electrical equipment, controls, and wiring must be installed so that operation of any one unit or system of units will not adversely affect the simultaneous operation of any other electrical unit or system essential to safe operation.

(b) Cables must be grouped, routed, and spaced so that damage to essential circuits will be minimized if there are faults in heavy current-carrying cables.

(c) Storage batteries must be designed and installed as follows:

(1) Safe cell temperatures and pressures must be maintained during any probable charging and discharging condition. No uncontrolled increase in cell temperature may result when the battery is recharged (after previous complete discharge)—

(i) At maximum regulated voltage;

(ii) During a flight of maximum duration; and

(iii) Under the most adverse cooling condition likely in service.

(2) Compliance with subparagraph (1) of this paragraph must be shown by test unless experience with similar batteries and installations has shown that maintaining safe cell temperatures and pressures presents no problem.

(3) No explosive or toxic gases emitted by any battery in normal operation, or as the result of any probable malfunction in the charging system or battery installation, may accumulate in hazardous quantities within the rotorcraft.

(4) No corrosive fluids or gases that may escape from the battery may damage surrounding structures or adjacent essential equipment.

§ 29.1355 Distribution system.

(a) The distribution system includes the distribution busses, their associated feeders, and each control and protective device.

(b) Each system must be designed so that—

(1) For category A rotorcraft, individual distribution systems ensure that essential load circuits can be supplied in the event of reasonably probable faults or open circuits; and

(2) If two independent sources of electrical power for particular equipment or systems are required by this chapter, their energy supply is ensured.

§ 29.1357 Circuit protective devices.

(a) Automatic protective devices must be used to minimize distress to the electrical system and hazard to the rotorcraft in the event of wiring faults or serious malfunction of the system or connected equipment.

(b) For category A rotorcraft, there must be means in the generating system to automatically de-energize and disconnect from the main bus any power source developing hazardous overvoltage.

(c) Each resettable circuit protective device must be designed so that, when an overload or circuit fault exists, it will open the circuit regardless of the position of the operating control.

(d) If the ability to reset a circuit breaker or replace a fuse is essential to safety in flight, that device must be located and identified so that it can be readily reset or replaced in flight.

(e) Each circuit for essential loads must have individual circuit protection.

(f) If fuses are used, there must be spare fuses for use in flight equal to at least 50 percent of the number of fuses of each rating required for complete circuit protection.

§ 29.1359 Electrical system fire and smoke protection.

(a) Components of the electrical system must meet the applicable fire and smoke protection provisions of §§ 29.831 and 29.863.

(b) Electrical cables, terminals, and equipment, in designated fire zones, and that are used in emergency procedures, must be at least fire resistant.

§ 29.1363 Electrical system tests.

(a) When laboratory tests of the electrical system are conducted—

(1) The tests must be performed on a mock-up using the same generating equipment used in the rotorcraft;

(2) The equipment must simulate the electrical characteristics of the distribution wiring and connected loads to the extent necessary for valid test results; and

(3) Laboratory generator drives must simulate the prime movers on the rotorcraft with respect to their reaction to generator loading, including loading due to faults.

(b) For each flight condition that cannot be simulated adequately in the laboratory or by ground tests on the rotorcraft, flight tests must be made.

LIGHTS

§ 29.1381 Instrument lights.

The instrument lights must—

(a) Make each instrument, switch, and other device for which they are provided easily readable; and

(b) Be installed so that—

(1) Their direct rays are shielded from the pilot's eyes; and

(2) No objectionable reflections are visible to the pilot.

§ 29.1383 Landing lights.

(a) Each required landing or hovering light must be approved.

(b) Each landing light must be installed so that—

(1) No objectionable glare is visible to the pilot;

(2) The pilot is not adversely affected by halation; and

(3) It provides enough light for night operation, including hovering and landing.

(c) At least one separate switch must be provided, as applicable—

(1) For each separately installed landing light; and

(2) For each group of landing lights installed at a common location.

§ 29.1385 Position light system installation.

(a) *General.* Each part of each position light system must meet the applicable requirements of this section and each system as a whole must meet the requirements of §§ 29.1387 through 29.1397.

(b) *Forward position lights.* Forward position lights must consist of a red and a green light spaced laterally as far apart as practicable and installed forward on the rotorcraft so that, with the rotorcraft in the normal flying position, the red light is on the left side, and the green light is on the right side. Each light must be approved.

(c) *Rear position light.* The rear position light must be a white light mounted as far aft as practicable, and must be approved.

(d) *Circuit.* The two forward position lights and the rear position light must make a single circuit.

(e) *Light covers and color filters.* Each light cover or color filter must be at least flame resistant and may not change color or shape or lose any appreciable light transmission during normal use.

§ 29.1387 Position light system dihedral angles.

(a) Each forward and rear position light must, as installed, show unbroken light within the dihedral angles described in this section.

(b) Dihedral angle *L* (left) is formed by two intersecting vertical planes, the first parallel to the longitudinal axis of the rotorcraft, and the other at 110 degrees to the left of the first, as viewed when looking forward along the longitudinal axis.

(c) Dihedral angle *R* (right) is formed by two intersecting vertical planes, the first parallel to the longitudinal axis of the rotorcraft, and the other at 110 degrees to the right of the first, as viewed when looking forward along the longitudinal axis.

(d) Dihedral angle *A* (aft) is formed by two intersecting vertical planes making angles of 70 degrees to the right and to the left, respectively, to a vertical plane passing through the longitudinal axis, as viewed when looking aft along the longitudinal axis.

§ 29.1389 Position light distribution and intensities.

(a) *General.* The intensities prescribed in this section must be provided by new equipment with light covers and color filters in place. Intensities must be determined with the light source operating at a steady value equal to the average luminous output of the source at the normal operating voltage of the rotorcraft. The light distribution and intensity of each position light must meet the requirements of paragraph (b) of this section.

(b) *Forward and rear position lights.* The light distribution and intensities of forward and rear position lights must be expressed in terms of minimum intensities in the horizontal plane, minimum intensities in any vertical plane, and maximum intensities in overlapping beams, within dihedral angles, *L*, *R*, and *A*, and must meet the following requirements:

(1) *Intensities in the horizontal plane.* Each intensity in the horizontal plane (the plane containing the longitudinal axis of the rotorcraft and perpendicular to the plane of symmetry of the rotorcraft), must equal or exceed the values in § 29.1391.

(2) *Intensities in any vertical plane.* Each intensity in any vertical plane (the plane perpendicular to the horizontal plane) must equal or exceed the appro-

priate value in § 29.1393 where I is the minimum intensity prescribed in § 29.1391 for the corresponding angles in the horizontal plane.

(3) *Intensities in overlaps between adjacent signals.* No intensity in any overlap between adjacent signals may exceed the values in § 29.1395, except that higher intensities in overlaps may be used with the use of main beam intensities substantially greater than the minima specified in §§ 29.1391 and 29.1393 if the overlap intensities in relation to the main beam intensities do not adversely affect signal clarity.

§ 29.1391 Minimum intensities in the horizontal plane of forward and rear position lights.

Each position light intensity must equal or exceed the applicable values in the following table:

Dihedral angle (light included)	Angle from right or left of longitudinal axis, measured from dead ahead	Intensity (candles)
L and R (forward red and green).	0° to 10°	40
	10° to 20°	30
	20° to 110°	5
A (rear white)	110° to 180°	20

§ 29.1393 Minimum intensities in any vertical plane of forward and rear position lights.

Each position light intensity must equal or exceed the applicable values in the following table.

Angle above or below the horizontal plane:	*Intensity*
0°	1.00 I.
0° to 5°	0.90 I.
5° to 10°	0.80 I.
10° to 15°	0.70 I.
15° to 20°	0.50 I.
20° to 30°	0.30 I.
30° to 40°	0.10 I.
40° to 90°	0.05 I.

§ 29.1395 Maximum intensities in overlapping beams of forward and rear position lights.

No position light intensity may exceed the applicable values in the following table, except as provided in § 29.1389 (b) (3).

Overlaps	Maximum intensity	
	Area A (candles)	Area B (candles)
Green in dihedral angle L	10	1
Red in dihedral angle R	10	1
Green in dihedral angle A	5	1
Red in dihedral angle A	5	1
Rear white in dihedral angle L	5	1
Rear white in dihedral angle R	5	1

Where—

(a) Area A includes all directions in the adjacent dihedral angle that pass through the light source and intersect the common boundary plane at more than 10 degrees but less than 20 degrees; and

(b) Area B includes all directions in the adjacent dihedral angle that pass through the light source and intersect the common boundary plane at more than 20 degrees.

§ 29.1397 Color specifications.

Each position light color must have the applicable International Commission on Illumination chromaticity coordinates as follows:

(a) *Aviation red—*

"y" is not greater than 0.335; and
"z" is not greater than 0.002.

(b) *Aviation green—*

"x" is not greater than $0.440-0.320y$;
"x" is not greater than $y-0.170$; and
"y" is not less than $0.390-0.170x$.

(c) *Aviation white—*

"x" is not less than 0.350;
"x" is not greater than 0.540; and
"$y-y_0$" is not numerically greater than 0.01, "y_0" being the y coordinate of the Planckian radiator for which $x_0=x$.

§ 29.1399 Riding light.

(a) Each riding light required for water operation must be installed so that it can—

(1) Show a white light for at least two miles at night under clear atmospheric conditions; and

(2) Show a maximum practicable unbroken light with the rotorcraft on the water.

(b) Externally hung lights may be used.

§ 29.1401 Anticollision light system.

(a) *General.* If certification for night operation is requested, the rotorcraft must have an anticollision light system that—

(1) Consists of one or more approved anticollision lights located so that their emitted light will not impair the crew's vision or detract from the conspicuity of the position lights; and

(2) Meets the requirements of paragraphs (b) through (f) of this section.

(b) *Field of coverage.* The system must consist of enough lights to illuminate the vital areas around the rotorcraft, considering the physical configuration and flight characteristics of the rotorcraft. The field of coverage must extend in each direction within at least 30 degrees above and 30 degrees below the horizontal plane of the rotorcraft, except that there may be solid angles of obstructed visibility totaling not more than 0.5 steradians.

(c) *Flashing characteristics.* The arrangement of the system, that is, the number of light sources, beam width, speed of rotation, and other characteristics, must give an effective flash frequency of not less than 40, nor more than 100, cycles per minute. The effective flash frequency is the frequency at which the rotorcraft's complete anticollision light system is observed from a distance, and applies to each sector of light including any overlaps that exist when the system consists of more than one light source. In overlaps, flash frequencies may exceed 100, but not 180, cycles per minute.

(d) *Color.* Each anticollision light must be aviation red and must meet the requirements of § 29.1397(a).

(e) *Light intensity.* The minimum light intensities in any vertical plane, measured with the red filter and expressed in terms of "effective" intensities, must meet the requirements of paragraph (f) of this section. The following relation must be assumed:

$$Ie=\frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2+(t_2-t_1)}$$

where:

I_e=effective intensity (candles).
$I(t)$=instantaneous intensity as a function of time.
t_2-t_1=flash time interval (seconds).

Normally, the maximum value of effective intensity is obtained when t_2 and t_1 are chosen so that the effective intensity is equal to the instantaneous intensity at t_2 and t_1.

(f) *Minimum effective intensities for anticollision lights.* Each anticollision light effective intensity must equal or exceed the applicable values in the following table.

Angle above or below the horizontal plane:	*Effective intensity (candles)*
0° to 5°	100
5° to 10°	60
10° to 20°	20
20° to 30°	10

Safety Equipment

§ 29.1411 General.

(a) *Accessibility.* Required safety equipment to be used by the crew in an emergency, such as automatic liferaft releases, must be readily accessible.

(b) *Stowage provisions.* Stowage provisions for required emergency equipment must be furnished and must—

(1) Be arranged so that the equipment is directly accessible and its location is obvious; and

(2) Protect the safety equipment from inadvertent damage.

(c) *Emergency exit descent device.* The stowage provisions for the emergency exit descent device required by § 29.809(f) must be at the exits for which they are intended.

(d) *Liferafts.* Liferafts must be stowed near exits through which the rafts can be launched during an unplanned ditching. Rafts automatically or remotely released outside the rotorcraft must be attached to the rotorcraft by the static line prescribed in § 29.1415.

(e) *Long-range signaling device.* The stowage provisions for the long-range signaling device required by § 29.1415 must be near an exit available during an unplanned ditching.

(f) *Life preservers.* Each life preserver must be within easy reach of each occupant while seated.

§ 29.1413 Safety belts: passenger warning device.

If there are means to indicate to the passengers when safety belts should be fastened, they must be installed to be operated from either pilot seat.

§ 29.1415 Ditching equipment.

(a) Emergency flotation and signaling equipment required by any operating rule of this chapter must meet the requirements of this section.

(b) Each liferaft and each life preserver must be approved. In addition—

(1) Unless excess rafts of enough capacity are provided, the buoyancy and seating capacity beyond the rated capacity of the rafts must accommodate all occupants of the rotorcraft in the event of a loss of one raft of the largest rated capacity; and

(2) Each raft must have a trailing line, and must have a static line designed to hold the raft near the rotorcraft but to release it if the rotorcraft becomes totally submerged.

(c) Approved survival equipment must be attached to each liferaft.

(d) There must be an approved long-range signaling device for use in one liferaft.

MISCELLANEOUS EQUIPMENT

§ 29.1431 Electronic equipment.

(a) Radio communication and navigation equipment installations must be free from hazards in themselves, in their method of operation, and in their effects on other components, under any critical environmental conditions.

(b) Radio communication and navigation equipment, controls, and wiring must be installed so that operation of any one unit or system of units will not adversely affect the simultaneous operation of any other radio or electronic unit, or system of units, required by this chapter.

§ 29.1433 Vacuum systems.

(a) There must be means, in addition to the normal pressure relief, to automatically relieve the pressure in the discharge lines from the vacuum air pump when the delivery temperature of the air becomes unsafe.

(b) Each vacuum air system line and fitting on the discharge side of the pump that might contain flammable vapors or fluids must meet the requirements of § 29.1183 if they are in a designated fire zone.

(c) Other vacuum air system components in designated fire zones must be at least fire resistant.

§ 29.1435 Hydraulic systems.

(a) *Design.* Each hydraulic system must be designed as follows:

(1) Each element of the hydraulic system must be designed to withstand, without detrimental, permanent deformation, any structural loads that may be imposed simultaneously with the maximum operating hydraulic loads.

(2) Each element of the hydraulic system must be designed to withstand pressures sufficiently greater than those prescribed in paragraph (b) of this section to show that the system will not rupture under service conditions.

(3) There must be means to indicate the pressure in each main hydraulic power system.

(4) There must be means to ensure that no pressure in any part of the system will exceed a safe limit above the maximum operating pressure of the system, and to prevent excessive pressures resulting from any fluid volumetric change in lines likely to remain closed long enough for such a change to take place. The possibility of detrimental transient (surge) pressures during operation must be considered.

(5) Each hydraulic line, fitting, and component must be installed and supported to prevent excessive vibration and to withstand inertia loads. Each element of the installation must be protected from abrasion, corrosion, and mechanical damage.

(6) Means for providing flexibility must be used to connect points, in a hydraulic fluid line, between which relative motion or differential vibration exists.

(b) *Tests.* Each element of the system must be tested to a proof pressure of 1.5 times the maximum pressure to which that element will be subjected in normal operation, without failure, malfunction, or detrimental deformation of any part of the system.

(c) *Fire protection.* Each hydraulic system using flammable hydraulic fluid must meet the applicable requirements of §§ 29.861, 29.1183, 29.1185, and 29.1189.

§ 29.1439 Protective breathing equipment.

(a) If one or more cargo or baggage compartments are to be accessible in flight, protective breathing equipment must be available for an appropriate crewmember.

(b) For protective breathing equipment required by paragraph (a) of this section or by any operating rule of this chapter—

(1) That equipment must be designed to protect the crew from smoke, carbon dioxide, and other harmful gases while on flight deck duty;

(2) That equipment must include—

(i) Masks covering the eyes, nose, and mouth; or

(ii) Masks covering the nose and mouth, plus accessory equipment to protect the eyes; and

(3) That equipment must supply protective oxygen of 10 minutes duration per crewmember at a pressure altitude of 8,000 feet with a respiratory minute volume of 30 liters per minute BTPD.

Subpart G—Operating Limitations and Information

§ 29.1501 General.

Each operating limitation specified in §§ 29.1503 through 29.1525, and other information necessary for safe operation, must be—

(a) Included in the Rotorcraft Flight Manual;

(b) Expressed in markings and placards; and

(c) Made available by any other means that will convey the information to the crewmembers.

OPERATING LIMITATIONS

§ 29.1503 Airspeed limitations: general.

(a) An operating speed range must be established.

(b) When airspeed limitations are a function of weight, weight distribution, altitude, rotor speed, power, or other factors, airspeed limitations corresponding with the critical combinations of these factors must be established.

§ 29.1505 Never-exceed speed.

(a) The never-exceed speed V_{NE} must be established so that it is—

(1) Not less than V_Y with the engines at maximum continuous power; and

(2) Not more than the lesser of—

(i) 0.9V established under § 29.309; and

(ii) 0.9 times the maximum speed shown under §§ 29.251 and 29.629.

(b) V_{NE} may vary with altitude and rotor r.p.m., if the ranges of these variables are large enough to allow an operationally practical and safe variation of V_{NE}.

§ 29.1509 Rotor speed.

(a) *Maximum power-off (autorotation).* The maximum power-off rotor speed must be established so that it does not exceed 95 percent of the lesser of—

(1) The maximum design r.p.m. determined under § 29.309(b); and

(2) The maximum r.p.m. shown during the type tests.

(b) *Minimum power-off.* The minimum power-off rotor speed must be established so that it is not less than 105 percent of the greater of—

(1) The minimum shown during the type tests; and

(2) The minimum determined by design substantiation.

(c) *Minimum power-on.* The minimum power-on rotor speed must be established so that it is—

(1) Not less than the greater of—

(i) The minimum shown during the type tests; and

(ii) The minimum determined by design substantiation; and

(2) Not more than a value determined under § 29.33 (a) (1) and (c) (1).

§ 29.1517 Limiting height-speed envelope.

If a range of heights exists at any speed, including zero, within which it is not possible to make a safe landing following power failure, the range of heights and its variation with forward speed must be established, together with any other pertinent information, such as the kind of landing surface.

§ 29.1519 Weight and center of gravity.

The weight and center of gravity limitations determined under §§ 29.25 and 29.27, respectively, must be established as operating limitations.

§ 29.1521 Powerplant limitations.

(a) *General.* The powerplant limitations prescribed in this section must be established so that they do not exceed the corresponding limits for which the engines are type certificated.

(b) *Takeoff operation.* The powerplant takeoff operation must be limited by—

(1) The maximum rotational speed, which may not be greater than—

(i) The maximum value determined by the rotor design; or

(ii) The maximum value shown during the type tests;

(2) The maximum allowable manifold pressure (for reciprocating engines);

(3) The time limit for the use of the power corresponding to the limitations established in subparagraphs (1) and (2) of this paragraph; and

(4) If the time limit in subparagraph (3) of this paragraph exceeds two minutes, the maximum allowable cylinder head, coolant outlet, and oil temperatures.

(c) *Continuous operation.* The continuous operation must be limited by—

(1) The maximum rotational speed, which may not be greater than—

(i) The maximum value determined by the rotor design; or

(ii) The maximum value shown during the type tests;

(2) The maximum allowable manifold pressure;

(3) The maximum allowable cylinder head or coolant outlet and oil temperatures; and

(4) The minimum rotational speed shown under the rotor speed requirements in § 29.1509(c).

(d) *Fuel grade or designation.* The minimum fuel grade (for reciprocating engines) or fuel designation (for turbine engines) must be established so that it is not less than that required for the operation of the engines within the limitations in paragraphs (b) and (c) of this section.

(e) *Cooling limitations.* The maximum sea level temperature established for satisfactory cooling must be shown.

§ 29.1523 Minimum flight crew.

The minimum flight crew must be established so that it is sufficient for safe operation, considering—

(a) The workload on individual crewmembers;

(b) The accessibility and ease of operation of necessary controls by the appropriate crewmember; and

(c) The kinds of operation authorized under § 29.1525.

§ 29.1525 Kinds of operation.

The kinds of operation to which the rotorcraft is limited are established by the flight characteristics and installed equipment.

§ 27.1529 Maintenance manual.

Each rotorcraft must have a maintenance manual containing the information that the applicant considers essential for proper maintenance, including recommended limits on service life or retirement periods for major components. These components must be identified by serial number or equivalent means.

MARKINGS AND PLACARDS

§ 29.1541 General.

(a) The rotorcraft must contain—

(1) The markings and placards specified in §§ 29.1545 through 29.1565; and

(2) Any additional information, instrument markings, and placards required for the safe operation of the rotorcraft if it has unusual design, operating or handling characteristics.

(b) Each marking and placard prescribed in paragraph (a) of this section—

(1) Must be displayed in a conspicuous place; and

(2) May not be easily erased, disfigured, or obscured.

§ 29.1543 Instrument markings: general.

For each instrument—

(a) When markings are on the cover glass of the instrument there must be means to maintain the correct alignment of the glass cover with the face of the dial; and

(b) Each arc and line must be wide enough, and located to be clearly visible to the pilot.

§ 29.1545 Airspeed indicator.

(a) Each airspeed indicator must be marked to show indicated airspeed.

(b) The following markings must be made:

(1) For the limit beyond which operation is dangerous, a red radial line.

(2) For the caution range, a yellow arc.

(3) For the safe operating range, a green arc.

§ 29.1547 Magnetic direction indicator.

(a) A placard meeting the requirements of this section must be installed on or near the magnetic direction indicator.

(b) The placard must show the calibration of the instrument in level flight with the engines operating.

(c) The placard must state whether the calibration was made with radio receivers on or off.

(d) Each calibration reading must be in terms of magnetic heading in not more than 45 degree increments.

§ 29.1549 Powerplant instruments.

For each required powerplant instrument—

(a) Each maximum and, if applicable, minimum safe operating limit must be marked with a red radial line;

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(b) Each normal operating range must be marked with a green arc not extending beyond the maximum and minimum safe operating limits;

(c) Each takeoff and caution range must be marked with a yellow arc; and

(d) Each engine and rotor speed range that is restricted because of excessive vibration stresses must be marked with a red arc.

§ 29.1551 Oil quantity indicator.

Each oil quantity indicator must be marked with enough increments to indicate readily and accurately the quantity of oil.

§ 29.1553 Fuel quantity indicator.

If the unusable fuel supply for any tank exceeds one gallon, or five percent of the tank capacity, whichever is greater, a red arc must be marked on its indicator extending from the calibrated zero reading to the lowest reading obtainable in level flight.

§ 29.1555 Control markings.

(a) Each cockpit control must be plainly marked as to its function and method of operation.

(b) For powerplant fuel controls—

(1) Each fuel tank selector valve control must be marked to indicate the position corresponding to each tank and to each existing cross feed position;

(2) If safe operation requires the use of any tanks in a specific sequence, that sequence must be marked on, or adjacent to, the selector for those tanks; and

(3) Each valve control for any engine of a multiengine rotorcraft must be marked to indicate the position corresponding to each engine controlled.

(c) The capacity of each tank must be marked on or near each selector controlling that tank.

(d) For accessory, auxiliary, and emergency controls—

(1) Each essential visual position indicator, such as those showing rotor pitch or landing gear position, must be marked so that each crewmember can determine at any time the position of the unit to which it relates; and

(2) Each emergency control must be red and must be marked as to method of operation.

§ 29.1557 Miscellaneous markings and placards.

(a) *Baggage and cargo compartments, and ballast location.* Each baggage and cargo compartment, and each ballast location must have a placard stating any limitations on contents, including weight, that are necessary under the loading requirements.

(b) *Seats.* If the maximum allowable weight to be carried in a seat is less than 170 pounds, a placard stating the lesser weight must be permanently attached to the seat structure.

(c) *Fuel and oil filler openings.* The following must be marked on or near each appropriate filler cover:

(1) The word "fuel", the minimum fuel grade or designation for the engines, and the usable fuel tank capacity.

(2) The word "oil" and the oil tank capacity.

(d) *Emergency exit placards.* Each placard and operating control for each emergency exit must be red. A placard must be near each emergency exit control and must clearly indicate the location of that exit and its method of operation.

§ 29.1559 Operating limitations placard.

There must be a placard in clear view of the pilot stating: "This (helicopter, gyrodyne, etc.) must be operated in compliance with the operating limitations specified in the FAA approved Rotorcraft Flight Manual."

§ 29.1561 Safety equipment.

(a) Each safety equipment control to be operated by the crew in emergency, such as controls for automatic liferaft releases, must be plainly marked as to its method of operation.

(b) Each location, such as a locker or compartment, that carries any fire extinguishing, signaling, or other life saving equipment, must be so marked.

(c) Stowage provisions for required emergency equipment must be conspicuously marked to identify the contents and facilitate removal of the equipment.

(d) Each liferaft must have obviously marked operating instructions.

(e) Approved survival equipment must be marked for identification and method of operation.

§ 29.1565 Tail rotor.

Each tail rotor must be marked so that its disc is conspicuous under normal ground conditions.

ROTORCRAFT FLIGHT MANUAL

§ 29.1581 General.

(a) A Rotorcraft Flight Manual must be furnished with each rotorcraft.

(b) Each part of the manual listed in §§ 29.1583 through 29.1589 must be verified and approved, and must be segregated, identified, and clearly distinguished from each unapproved part of that manual.

(c) Any information not specified in §§ 29.1583 through 29.1589 that is required for safe operation because of unusual design, operating, or handling characteristics, must be furnished.

§ 29.1583 Operating limitations.

(a) *Airspeed and rotor limitations.* Information necessary for the marking of airspeed and rotor limitations on or near their respective indicators must be furnished. The significance of each limitation and of the color coding must be explained.

(b) *Powerplant limitations.* Information must be furnished to explain the powerplant limitations, and to allow marking the instruments under §§ 29.1549 through 29.1553.

(c) *Weight and loading distribution.* The weight and center of gravity limits required by §§ 29.25 and 29.27, respectively, must be furnished, together with the items included in the empty weight in § 29.29(a). If the variety of possible loading conditions warrants, instructions must be included to allow ready observance of the limitations.

(d) *Flight crew.* When a flight crew of more than one is required, the number and functions of the minimum flight crew determined under § 29.1523 must be furnished.

(e) *Kinds of operation.* Each kind of operation for which the rotorcraft and its equipment installations are approved must be listed.

(f) *Limiting heights.* Enough information must be furnished to allow compliance with § 29.1517.

(g) *Unusable fuel.* If the unusable fuel in any tank exceeds one gallon, or five percent of tank capacity, whichever is greater, there must be means to warn the flight personnel that the fuel remaining in that tank when the quantity indicator reads "zero" cannot be safely used in flight.

§ 29.1585 Operating procedures.

The parts of the manual containing operating procedures must have information concerning any normal and emergency procedures, and other information necessary for safe operation, including the applicable procedures, such as those involving minimum speeds, to be followed if an engine fails.

§ 29.1587 Performance information.

(a) *Category A.* For each category A rotorcraft, the Rotorcraft Flight Manual must contain a summary of the performance data, including data necessary for the application of any operating rule of this chapter, together with descriptions of the conditions, such as airspeeds, under which this data was determined, and must contain—

(1) The indicated airspeeds corresponding with those determined for takeoff, and the procedures to be followed if the critical engine fails during takeoff;

(2) The airspeed calibrations;

(3) The techniques, associated airspeeds, and rates of descent for autorotative landings; and

(4) The maximum allowable wind for safe operation near the ground.

(b) *Category B.* For each category B rotorcraft, the Rotorcraft Flight Manual must contain—

(1) The takeoff distance and the takeoff safety airspeed together with the pertinent information defining the flight path with respect to autorotative landing if an engine fails, including the calculated effects of altitude and temperature;

(2) The steady rates of climb and hovering ceiling, together with the corresponding airspeeds and other pertinent information, including the calculated effects of altitude and temperature;

(3) The landing distance, appropriate glide airspeed, and kind of landing surface, together with any pertinent information that might affect this distance,

including the calculated effects of altitude and temperature;

(4) The maximum safe wind for operation near the ground;

(5) The airspeed calibrations; and

(6) Any additional performance data necessary for the application of any operating rule in this chapter.

§ 29.1589 Loading information.

There must be loading instructions for each possible loading condition between the maximum and minimum weights determined under § 29.25 that can result in a center of gravity beyond any extreme prescribed in § 29.27, assuming any probable occupant weights.

DISTRIBUTION TABLE

Former section	Revised section
7.0 (1st sentence)	29.1.
7.0 (less 1st sentence)	Surplusage.
7.1(a)(1)	Part 1 [New].
7.1(a)(2)	Surplusage.
7.1(a) (less (1) and (2)).	Part 1 [New].
7.1(b)	Part 1 [New].
7.1(c)(1)	Part 1 [New].
7.1(c)(2)	Surplusage.
7.1(c)(3)	Part 1 [New].
7.1(c)(4)	Part 1 [New].
7.1(c) (less (1)–(4))	Surplusage.
7.1(d)(1)–(d)(2)	Executed.
7.1(d)(3)	Surplusage.
7.1(d)(4)–(5)	Executed.
7.1(d) (less (1)–(5))	Surplusage.
7.1(e)(1) (less symbol "IAS").	Part 1 [New].
Symbol "IAS"	To be transferred to Part 1 [New].
7.1(e)(2)	Part 1 [New].
7.1(e)(3) (less symbol "EAS").	Part 1 [New].
Symbol "EAS"	To be transferred to Part 1 [New].
7.1(e)(4) (less symbol "TAS").	Part 1 [New].
Symbol "TAS"	To be transferred to Part 1 [New].
7.1(e)(5)–(7)	To be transferred to Part 1 [New].
7.1(e) (less (1)–(7))	To be transferred to Part 1 [New].
7.1(f)(1) and (2)	Executed.
7.1(f)(3)	Surplusage.
7.1(f)(4)	To be transferred to Part 1 [New].
7.1(f)(5) and (6)	Surplusage.
7.1(f) (less (1)–(6))	Executed.
7.1(g)(1)–(3)	Part 1 [New].
7.1(g)(4)	Surplusage.
7.1(g)(5)	Part 1 [New].
7.1(g) (less (1)–(5))	To be transferred to Part 1 [New].
7.1(h)(1)	Surplusage.
7.1(h)(2) and (3)	Part 1 [New].
7.1(h)(4) and (5)	Surplusage.
7.1(h) (less (1)–(5))	29.339.
7.1(i)	Part 1 [New].
7.1 (less (a)–(i))	Surplusage.
7.10–7.19	To be transferred to Part 21 [New].
7.20 (a) and (b) (1st sentence).	29.1.
7.20(b) (less 1st sentence).	Surplusage.
7.100(a)–(c)	29.21.
7.100 (less (a)–(c))	Transferred to Part 21 [New].
7.101	29.25.
7.102(a)	29.27.
7.102 (less (a))	29.1589.
7.103	29.33.

DISTRIBUTION TABLE—Continued

Former section	Revised section
7.104	29.29.
7.105	29.31.
7.110 (less note following).	29.45.
Note following § 7.110	Not a rule.
7.111	29.79.
7.112(a)	29.53.
7.112 (less (a))	29.51.
7.113	29.53.
7.114(a)	29.59.
7.114 (less (a))	29.63.
7.115 (less (b))	29.67.
7.115 (b)(1)	29.65.
7.115(b)(2)	29.67.
7.115(b) (less (1) and (2))	29.71.
7.116	29.73.
7.117	29.75.
7.118 (less (a)(2))	29.75.
7.118(a)(2)	29.77.
7.120	29.141.
7.121	29.143.
7.122	29.161.
7.123 (less (b))	29.171.
7.123(b) (less (1)–(4))	29.173.
7.123(b)(1)–(4)	29.175.
7.130	29.231.
7.131	29.241.
7.132	29.239.
7.140 (vibration aspect).	29.251.
7.140 (less vibration aspect).	29.629.
7.200(b)	29.303.
7.200 (less (b))	29.301.
7.201	29.305.
7.202 (less (c))	29.307.
7.202(c)	Surplusage.
7.203	29.307.
7.204	29.309.
7.210	29.321.
7.211	29.321.
7.212 (last sentence)	29.339.
7.212 (less last sentence).	29.337.
7.213	29.341.
7.214	29.351.
7.220	29.391.
7.221	29.401.
7.222	29.403.
7.223	29.411.
7.224	29.413.
7.225(a) (1), (2), and (3).	29.397.
7.225 (less (a) (1), (2), and (3)).	29.395.
7.226	29.399.
7.230 (a) and (b)	29.471.
7.230 (c) and (d)	29.473.
7.230(e)	29.475.
7.230 (less (a)–(e))	29.477.
7.231	29.479.
7.232	29.481.

DISTRIBUTION TABLE—Continued

Former section	Revised section
7.233	29.483.
7.234	29.485.
7.235	29.493.
7.236	29.235.
7.240	29.505.
7.245	29.521.
7.246	29.497.
7.250	29.547.
7.251 (2d–4th sentences).	29.361.
7.251 (less 2d–4th sentences).	29.549.
7.252	29.551.
7.260	29.561.
7.261 (less note following).	29.561.
Note following § 7.261	Not a rule.
7.300	29.601.
7.301	29.603.
7.302	29.605.
7.303	29.607.
7.304	29.609.
7.305	29.611.
7.306	29.613.
7.307(a)	29.619.
7.307(b)	29.621.
7.307(c)	29.623.
7.307 (less (a)–(c))	29.625.
7.310	29.653.
7.311	29.675.
7.312	29.659.
7.313	29.661.
7.320	29.671.
7.321	29.675.
7.322	29.679.
7.323	29.681.
7.324	29.683.
7.325	29.685.
7.326	29.687.
7.327	29.691.
7.328	29.695.
7.330	Executed.
7.331	Surplusage.
7.332 (introductory paragraph).	29.723.
7.332(a)	29.725.
7.332 (less introductory paragraph and (a).	29.727.
7.333	29.725.
7.334	29.729.
7.335	29.731.
7.336	29.735.
7.337	29.733.
7.338	29.737.
7.340 (a) and (b)	29.751.
7.340 (less (a) and (b)).	29.755.
7.341	29.753.
7.350	29.771.
7.351	29.773.
7.352	29.775.
7.353	29.777.

DISTRIBUTION TABLE—Continued

Former section	Revised section
7.354	29.783.
7.355	29.785.
7.356	29.787.
7.357 (introductory paragraph).	29.803.
7.357(a)	29.805.
7.357 (b) and (c)	29.807.
7.357 (d) (less (7))	29.809.
7.357(d)(7)	29.807.
7.357(e)	29.811.
7.357(f)	29.813.
7.357 (less (a)–(f))	29.815.
7.358 (less note following (c)).	29.831.
Note following § 7.358(c).	Not a rule.
7.359 (1st 8 words)	29.833.
7.359 (less 1st 8 words)	Surplusage.
7.380	29.851.
7.381	29.853.
7.382 (less note following (a), and (c)).	29.855.
Note following § 7.382(a).	Not a rule.
7.382(c)	29.1439.
7.383	29.859.
7.384	29.861.
7.385	29.863.
7.390	29.871.
7.391	29.873.
7.392	29.877.
7.400	29.901.
7.401	29.903.
7.402	29.907.
7.403	29.917.
7.404	29.921.
7.405 (less sentences (4) and (5) of (a)(1)).	29.923.
7.405(a)(1) (sentence (4)).	Transferred to Part 33 [New].
7.405(a)(1) (sentence (5)).	Surplusage.
7.406	29.927.
7.407	29.931.
7.408	29.935.
7.410	29.951.
7.411	29.953.
7.413	29.955.
7.416	29.959.
7.417	29.961.
7.418	29.957.
7.420	29.963.
7.421	29.965.
7.422	29.967.
7.423	29.969.
7.424	29.971.
7.425	29.973.
7.426	29.975.
7.427	29.977.
7.428	29.979.

DISTRIBUTION TABLE—Continued

Former section	Revised section
7.430 (less 2d and 3d sentences of note following (a)).	29.991.
(2d and 3d sentences of note following § 7.430(a)).	Not a rule.
7.431	29.991.
7.432	29.993.
7.433	Surplusage.
7.434	29.995.
7.435	29.997.
7.436	29.999.
7.437	29.1337.
7.440	29.1011.
7.441	29.1013.
7.442	29.1015.
7.443	29.1013.
7.444 (less (b))	29.1017.
7.444(b)	29.1183.
7.445	29.1025.
7.446	29.1023.
7.447	29.1019.
7.448	29.1021.
7.450	29.1041.
7.451 (1st sentence)	29.1041.
7.451 (less 1st sentence).	29.1043.
7.452	29.1045.
7.453	29.1047.
7.454	29.1047.
7.455	29.1049.
7.460	29.1091.
7.461	29.1093.
7.462	29.1101.
7.463	29.1103.
7.464	29.1105.
7.465	29.1109.
7.466	29.1107.
7.467(a)	29.1121.
7.467(b)	29.1123.
7.467 (less (a) and (b)).	29.1125.
7.470	29.1141.
7.471	29.1143.
7.472	29.1145.
7.473	29.1147.
7.474	29.1157.
7.475	29.1159.
7.476	29.1151.
7.477 (less note following).	29.1163.
Note following § 7.477	Not a rule.
7.478	29.1165.
7.480 (less note following).	29.1181.
Note following § 7.480	Not a rule.
7.481	29.1185.
7.482	29.1189.
7.483	29.1183.
7.484(a)	29.1195.
7.484(b)	29.1197.
7.484 (c) and (d)	29.1199.
7.484 (less (a)–(d))	29.1201.
7.485	29.1203.

DISTRIBUTION TABLE—Continued

Former section	Revised section
7.486	29.1191.
7.487	29.1193.
7.489	29.1187.
7.600	Surplusage.
7.601	29.1301.
7.602	Surplusage.
7.603	29.1303.
7.604	29.1305.
7.605	29.1307.
7.606	29.1309.
7.610	Surplusage.
7.611	29.1321.
7.612(a)	29.1323.
7.612(b)	29.1325.
7.612(c) (less (3))	29.1327.
7.612(c)(3)	Surplusage.
7.612(d)	29.1329.
7.612(e)	29.1331.
7.612 (less (a)–(e))	29.1333.
7.613	29.1337.
7.620	Surplusage.
7.621	29.1351.
7.622	29.1351.
7.623 (less note following).	29.1355.
Note following § 7.623	Not a rule.
7.624 (less note following (e)).	29.1357.
Note following § 7.624(e).	Not a rule.
7.625(a)	29.1309.
7.625 (less (a))	29.1353.
7.626	29.1359.
7.627	29.1363.
7.630	29.1381.
7.631	29.1383.
7.632	29.1385.
7.633	29.1387.
7.634	29.1389.
Figure 7–1	29.1391.
Figure 7–2	29.1393.
Figure 7–3 and note following.	29.1395.
7.635	29.1397.
7.636	29.1399.
7.637	29.1401.
Figure 7–4	29.1401.
7.640	29.1411.
7.643	29.1413.
7.644 (less note following (b), and marking aspect).	29.1415.
Note following § 7.644(b).	Not a rule.
Marking aspect of § 7.644.	29.1561.
7.645 (less 3d sentence of introductory paragraph).	29.1411.
3d sentence of introductory paragraph of 7.645.	29.1561.
7.646 (less note following).	29.1439.

DISTRIBUTION TABLE—Continued

Former section	Revised section
Note following § 7.646	Not a rule.
7.650 (less note following).	29.1435.
Note following § 7.650	Not a rule.
7.651	29.1435.
7.652	29.1435.
7.653 (less note following (a)).	29.1431.
Note following § 7.653(a).	Not a rule.
7.654	29.1433.
7.700(a)	Surplusage.
7.700 (less (a))	29.1501.
7.710	29.1503.
7.711	29.1505.
7.712	29.1503.
7.713 (less introductory paragraph).	29.1509.
7.713 (introductory paragraph).	Surplusage.
7.714	29.1521.
7.715	29.1517.
7.716	29.1519.
7.717	29.1523.
7.718	29.1525.
7.719	29.1529.
7.730	29.1541.

DISTRIBUTION TABLE—Continued

Former section	Revised section
7.731	29.1543.
7.732	29.1545.
7.733	29.1545.
7.734	29.1549.
7.735	29.1551.
7.736 (less last sentence).	29.1553.
Last sentence of § 7.736.	Surplusage.
7.737	29.1555.
7.738(a)–(c)	29.1557.
7.738(d)	29.1559.
7.738(e)	29.1561.
7.738 (less (a)–(e))	29.1565.
7.740	29.1581.
7.741	29.1583.
7.742	29.1585.
7.743	29.1587.
7.744	Surplusage.
Appendix A:	
SR 392C	Expired.
SR 392D	Expired.
SR 425C	Transferred to Part 21 [New].

[F.R. Doc. 64–12415; Filed, Dec. 2, 1964; 8:50 a.m.]

[Airspace Docket No. 64–CE–89]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to revoke an extension of the Fargo, N. Dak., control zone.

The Fargo, N. Dak., radio beacon is scheduled to be relocated. Approach procedures requiring a control zone extension designated with reference to the radio beacon, have been cancelled. This will make the controlled airspace based on the beacon unnecessary.

Since the action contemplated by this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may become effective without regard to the 30 day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.171 (29 F.R. 1101) the Fargo, N. Dak., control zone is amended by deleting "within 2 miles either side of the 089° bearing from the Fargo RBN extending from the 5-mile radius zone to 12 miles E. of the RBN" from the text.

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

Issued in Kansas City, Mo., on November 23, 1964.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 64–12301; Filed, Dec. 2, 1964; 8:45 a.m.]

[Airspace Docket No. 64–CE–12]

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

Designation of Transition Area

On September 22, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13144) stating that the Federal Aviation Agency proposed to designate a transition area at Harrisburg, Ill.

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

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the following is added:

HARRISBURG, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harrisburg-Raleigh Airport (latitude 37°48'50" N., longitude 88°32'56" W.), and within 2 miles each side of the 064° bearing extending from the RBN to a point 8 miles northeast; and that airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 5 miles southeast of the 064° and 244° bearing from the RBN, extending from a point 6 miles southwest to 15 miles northeast of the RBN.

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

Issued at Kansas City, Mo., on November 23, 1964.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 64–12302; Filed, Dec. 2, 1964; 8:45 a.m.]

[Airspace Docket No. 64–CE–44]

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

Alteration of Transition Area

On September 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13209) stating that the Federal Aviation Agency proposed to alter a transition area at Detroit, Mich.

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

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the Detroit, Mich., transition area is amended to read:

DETROIT, MICHIGAN

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°-21'00" W.), and within an 8-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), and within 2 miles each side of the Metropolitan Wayne County Airport ILS localizer SW course, extending from the 8-mile radius area to 8 miles SW of the OH, and within 2 miles each side of Willow Run VOR 047° radial, extending from the 8-mile radius area to 10 miles NE of the Ford RBN, and within 2 miles each side of the Windsor, Ontario, ILS localizer SW course extending from the Detroit Metropolitan Wayne County Airport 8-mile radius to the United States/Canadian Border, excluding the portion within the Grosse Ile, Mich., control zone; and that airspace extending upward from 1200 feet above the surface bounded on the W by longitude 84°-05'00" W., on the N by latitude 42°46'00" N., on the E by the E boundary of V-42 E alternate and the United States/Canadian border, and on the S by a line from latitude 41°45'05" N., longitude 84°05'00" W., to latitude 41°45'30" N., longitude 83°19'45" W., to latitude 41°50'39" N., longitude 83°-08'47" W., to latitude 41°45'30" N., longitude 83°03'30" W., to the United States/Canadian border at latitude 41°45'30" N., longitude 82°51'00" W.

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

Issued in Kansas City, Mo., on November 24, 1964.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 64-12303; Filed, Dec. 2, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-55]

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

Designation of Transition Area

On September 26, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13403) stating that the Federal Aviation Agency proposed to designate a transition area at Parsons, Kans.

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

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the following is added:

PARSONS, KANSAS

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Tri-City Airport (latitude 37°20'00" N., longitude 95°30'30" W.), and within 5 miles E and 8 miles W of a 359° bearing from the Tri-City Airport, extending from the Airport to a point 12 miles N; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 5 miles SW of the Oswego VOR 306° radial extending from the Oswego VOR to the Tri-City Airport, and within 5 miles E and 5 miles W of the Chanute VOR 166° radial extending from the Chanute VOR to the Tri-City Airport excluding the Oswego and Chanute transition areas.

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

Issued at Kansas City, Mo., on November 23, 1964.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 64-12304; Filed, Dec. 2, 1964; 8:45 a.m.]

[Airspace Docket No. 64-EA-21]

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

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

On August 21, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11979) stating that the Federal Aviation Agency proposed to modify the Westhampton Beach, N.Y. (Suffolk AFB), Restricted Area/Military Climb Corridor, R-5205.

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

In consideration of the foregoing, Parts 71 and 73 [New] of the Federal Aviation Regulations are amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 73.52 (29 F.R. 1267), R-5205 Westhampton Beach, N.Y. (Suffolk AFB), Restricted Area/Military Climb Corridor, delete the boundaries and designated altitudes in their entirety and substitute therefor,

Boundaries. From a point of beginning at latitude 40°52'19" N., longitude 72°35'45" W., the area centered on the Suffolk Air Force Base TACAN 040° True radial, extending to a point 30 nmi northeast, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes:

Surface to flight level 240 from the point of beginning to 3 nmi northeast.

2,000 feet MSL to flight level 240 from 3 to 6 nmi northeast of the point of beginning.

5,000 feet MSL to flight level 240 from 6 to 11 nmi northeast of the point of beginning.

10,000 feet MSL to flight level 240 from 11 to 15 nmi northeast of the point of beginning.

14,000 feet MSL to flight level 240 from 15 to 19 nmi northeast of the point of beginning.

16,000 feet MSL to flight level 240 from 19 to 25 nmi northeast of the point of beginning.

20,000 feet MSL to flight level 240 from 25 to 30 nmi northeast of the point of beginning.

Time of designation. Continuous.

Using Agency. Suffolk AFB Approach Control.

2. In § 71.163 (29 F.R. 1068), Control 1169, delete, "excluding the airspace below 2,000 feet MSL outside the United States." and substitute therefor, "excluding the portion within the Westhampton Beach, N.Y., Restricted Area/Military Climb Corridor R-5205, and the airspace below 2,000 feet MSL outside the United States."

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

Issued in Washington, D.C., on November 25, 1964.

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

[F.R. Doc. 64-12305; Field, Dec. 2, 1964; 8:45 a.m.]

[Airspace Docket No. 64-EA-52]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

The purpose of this amendment to Part 73 [New] is to modify the designated ceiling altitudes of the Bangor, Maine (Dow AFB), Restricted Area/Military Climb Corridor R-3903.

The modification is to change the ceiling altitudes of the corridor from FL 270 to FL 240. The Air Force has determined that the airspace above FL 240 is not needed for operations in the climb corridor and the modification also will be less restrictive to IFR operations on Jet Routes Nos. 29 and 49 in the vicinity of the Bangor, Maine, VORTAC.

Since the airspace within the climb corridor is restrictive only when in use by the military, releasing of such airspace above FL 240 therein will be less restrictive to the public. For this reason, notice and public procedure hereon are unnecessary and the amendment is effective upon publication of this rule in the FEDERAL REGISTER.

In consideration of the foregoing, Part 73 [New] is amended as hereinafter set forth.

1. In § 73.39 (29 F.R. 1254), the Bangor, Maine (Dow AFB), Restricted Area/Military Climb Corridor R-3903 is amended by deleting from the description of the designated altitudes in the text "flight level 270" wherever it appears and substituting "flight level 240" therefor.

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

Issued in Washington, D.C., on November 25, 1964.

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

[F.R. Doc. 64-12306; Filed, Dec. 2, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

1. *Basis and purpose.* (a) This amendment is issued pursuant to the provisions

of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and relates to the holding of referenda on marketing quotas. This amendment removes the limitation of six on the number of regular members permitted on a community referendum committee. Two regular members must be provided at each polling place and some referendum communities should have more than three polling places. This amendment would make such action possible.

(b) Referenda will be held for upland and extra long staple cotton on December 15, 1964. Therefore, it is necessary that this amendment be made effective as soon as possible in order that county committees may have time to set up an adequate number of polling places and name community referendum committeemen to man such polling places. Accordingly, it is hereby determined and found that compliance with the public notice, procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall become effective upon filing this document with the Director, Office of the Federal Register.

2. Section 717.2(b) of the Regulations Governing the Holding of Referenda on Marketing Quotas (28 F.R. 13249) is amended by deleting the third sentence thereof which reads: "In no event shall the regular membership exceed six members".

(Secs. 312, 336, 343, 354, 358, 375, 52 Stat. 46, 55, 56, 61, 66, as amended, 55 Stat. 88; 70 Stat. 206, as amended; secs. 106, 112, 70 Stat. 191, 195; 7 U.S.C. 1312, 1336, 1343, 1354, 1358, 1375, 1377, 1824, 1836)

Effective date: Date of filing document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 27, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-12360; Filed, Dec. 2, 1964; 8:48 a.m.]

[Amdt. 1]

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

Location of Farm for Administrative Purposes

(a) This amendment is issued pursuant to section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), section 124 of the Soil Bank Act (7 U.S.C. 1812), and the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590 g-p). This amendment provides that a farm on an Indian reservation operated by a grazing association may be administratively located in the county in which the headquarters of such grazing association is located.

(b) Since there are farms now operated by such grazing associations, it is desirable that the county ASCS office records be relocated as soon as possible for any farms affected by this amendment. Accordingly, it is essential that this amendment be made effective as soon as possible. It is hereby determined and found that compliance with the notice and public procedure requirements and the thirty-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Section 719.3(c) of the regulations for Reconstitution of Farms, Allotments, and Bases (29 F.R. 13370) is amended by adding a new subparagraph as follows:

§ 719.3 Farm constitution.

* * * * *

(c) *Location of farm for administrative purposes.* * * *

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, if the land in the farm is part of an Indian reservation and is operated by a grazing association, the farm may be administratively located in the county where such grazing association has its headquarters if the county committees involved and the farm operator agree to such location, provided the persons using the land do not reside thereon and the geographic features are such that administrative access would be more practical.

(Sec. 375, 52 Stat. 66, as amended, 7 U.S.C. 1375; sec. 124, 70 Stat. 198, 7 U.S.C. 1812; secs. 16(b), 74 Stat. 1030, 16(c), 75 Stat. 5, 16(d), 75 Stat. 302, 105(c), 75 Stat. 301, 16(h), 77 Stat. 45, 16 U.S.C. 590 p).

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 27, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-12361; Filed, Dec. 2, 1964; 8:48 a.m.]

[Amdt. 4]

PART 729—PEANUTS

Subpart—Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops

1. *Basis and purpose.* (a) The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to revise the Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920, 28 F.R. 11811, 29 F.R. 7801, 7983, 13027). The amendment (1) provides that the current farm peanut allotment shall be preserved as history acreage for a farm, (a) if for the current year or either of the two preceding years an acreage equal to 75 per centum or more of the farm peanut acreage allotment, after reduction for violation and temporary release of acreage, but before reapportionment of released acreage or increase for a type in short supply, was actually planted or regarded as planted to peanuts under the Conservation Reserve, Cropland Conversion or Great Plains Programs as determined in accordance with Part 719 of this chapter, (b) the farm allotment is or was in an allotment pool, or (c) the farm is Federally-owned and there is in effect a restrictive lease prohibiting the production of peanuts, (2) changes from November 1 to December 1 the date by which the farm operator must file a written request for adjustment in the history acreage for abnormal conditions affecting the farm peanut acreage.

(b) The provisions of this amendment with respect to the preservation of allotments for history acreage purposes are required by law and the change of the date by which a written request for adjustment for abnormal conditions must be made effective as soon as possible as farm peanut history acreages for 1964 are currently being determined for the purpose of establishing farm peanut acreage allotments for 1965. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1001–1011) is impractical and contrary to the public interest and this amendment shall become effective upon the date of filing with the Director, Office of the Federal Register.

2. The Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920, 28 F.R. 11811, 29 F.R. 7801, 7983, 13027) are hereby amended as follows:

a. Paragraph (b) and paragraph (c) (1), as amended, of § 729.1424 are amended to read as follows:

§ 729.1424 Determination of farm peanut history acreage.

* * * * *

(b) *Full allotment preserved as history acreage.* For any year the entire farm peanut allotment shall be preserved as peanut history acreage if:

(1) For the current year or either of the two preceding years:

(i) The sum of the final acreage and the acreage regarded as planted to peanuts under the Conservation Reserve, Cropland Conversion and Great Plains Programs, as determined pursuant to Part 719 of this chapter, was as much as 75 per centum of the farm allotment after reduction for violation pursuant to § 729.1434, temporary release of acreage but before reapportionment of released acreage pursuant to § 729.1435, or increase for a type in short supply pursuant to § 729.1437.

(ii) The farm allotment is or was in an eminent domain allotment pool pursuant to Part 719 of this chapter.

(2) The farm is Federally-owned and there is in effect a restrictive lease prohibiting the production of peanuts.

(c) * * *

(1) The final acreage, adjusted to compensate for abnormal conditions affecting acreage, if the county committee determine that such action is necessary to maintain equitable allotments: *Provided,* That the farm operator files a written request for such an adjustment

at the office of the county committee prior to December 1 of the current year.

* * * * *

(Secs. 358, 375, 377, 378, 55 Stat. 88, as amended, 52 Stat. 66, as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended, secs. 106, 112, 70 Stat. 191, 195, as amended, sec. 101, 76 Stat. 606; 7 U.S.C. 1358, 1375, 1377, 1378, 1824, 1836, 16 U.S.C. 5909)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 27, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-12363; Filed, Dec. 2, 1964; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER A—MISCELLANEOUS REGULATIONS

PART 365—MOBILE TRADE FAIRS

Requests for Assistance by Operators

Section 365.1 *Requests for assistance by mobile trade fair operators* is amended in the following respects:

Paragraph (a)(2), relating to advertising expenses, is amended by adding thereto the following clause: "and except that not more than 90% (ninety percent) of the total of such allowable advertising expenses will be defrayed by the Department."

Paragraph (b)(2), *Funds* is amended by adding thereto the following sentence: "With respect to funds made available to the Department for such purpose out of fiscal year 1965 appropriations, no funds for financial assistance will be allocated by the Department prior to December 15, 1964, and such funds will be allocated only for requests received and approved subsequent to the date of publication of this amendment in the FEDERAL REGISTER."

Paragraph (c), *Requests for financial assistance; information required* is amended by adding the following unnumbered paragraph at the end thereof:

It is the policy of the Department (now also in effect for participations in the Department's trade center and international trade fair programs abroad) that any product exhibited through a mobile trade fair project must be labeled and marketed under the name of a U.S. firm and, if produced or assembled outside the United States, must contain U.S. components valued at more than 50% (fifty percent) of the value of the finished product. Accordingly, the request for assistance must contain a statement that the applicant operator of the mobile trade fair project undertakes to abide by the foregoing policy and that the operator will (if a contract extending assistance is entered into with him by the Department hereunder) agree to obtain, keep as part of his records, and enforce an assurance, in writing, from each prospective exhibitor to the following effect: "The _____ (exhibitor) represents to the _____ (operator) that every product which will be exhibited by the exhibitor through the mobile trade fair project will be labeled and marketed under the name of a U.S. firm and, if produced or assembled outside the United States, will contain U.S. components valued at more than 50% (fifty percent) of the value of the finished product. The exhibitor understands that failure to comply with the foregoing undertaking will be a ground for termination, in whole or in part, of the exhibitor's participation in the mobile trade fair project."

The foregoing are amendments of procedures involving the extension of grants and benefits and are therefore exempt from the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003).

Dated: November 30, 1964.

EUGENE M. BRADERMAN,
Director, Bureau of International Commerce.

[F.R. Doc. 64-12373; Filed, Dec. 2, 1964; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-858]

PART 13—PROHIBITED TRADE PRACTICES

Saul S. Siegal Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act. 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—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act; §13.1900 *Source or origin:* 13.1900-80 Textile Fiber Products Identification Act. Subpart—Using misleading name—Goods: § 13.2280 *Composition:* 13.2280-70 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, Saul S. Siegal Co., et al., Chicago, Ill., Docket C-858, Nov. 16, 1964]

In the Matter of Saul S. Siegal Co., a Corporation, and Saul S. Siegal, Leon Siegal, and Morris Siegal, Individually and as Officers of Said Corporation

Consent order requiring Chicago distributors of drapery, and furniture and wall fabrics, to cease violating the Textile Fiber Products Identification Act by deceptive advertising in catalogs which falsely represented that certain fibers were present in advertised products; described products by terms—such as "Chromespun", "Dacron", "Fortisan" and "Sateens"—which failed to set forth the generic name and percentage of fibers present; and failed to comply in other respects with requirements of the Act; and by failing to show, on labels, the generic name and percentage of fibers present, and to identify the manufacturer.

The order to cease and desist, including further order requiring report of compliance therewith is as follows:

It is ordered, That respondents Saul S. Siegal Co., a corporation, and its officers, and Saul S. Siegal, Leon Siegal and Morris Siegal, individually and as officers of said corporation, 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. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products by representing either directly or by implication, through the use of such terms as "hand print mohair", "modern print on mohair antique satin", "Linen-Cotton-Acetate and Silk Noil face casement", "Linen casement with metallic", or "Metallic Boucle" or any other terms, that any fibers are present in a textile fiber product when such is not the case.

3. Failing to affix labels to such products showing in a clear, legible and conspicuous manner 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:

1. Making any representations, by disclosure or by implication, as to the fiber contents or 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, in the manner and form required except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

5. Using a generic name of a fiber in nonrequired information in advertising textile fiber products in such a manner as to be false, deceptive or misleading as to fiber content or to indicate, directly or indirectly, that such textile fiber products are composed wholly or in part of such fiber when such is not the case.

6. Using non-required information and representations in said advertising in such a manner as to be false, deceptive or misleading as to the fiber content of the textile fiber products or so as to interfere with, minimize or detract from required information.

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: November 16, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-12311; Filed, Dec. 2, 1964; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4735, 34-7468, 39-212, 40-4086]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegated Authority

On November 10, 1964 in Securities Act of 1933 Release No. 4731, Securities Exchange Act of 1934 Release No. 7457, Trust Indenture Act of 1939 Release No. 211, and Investment Company Act of 1940 Release No. 4074 published in the FEDERAL REGISTER for November 14, 1964, 29 F.R. 15282. The Securities and Exchange Commission announced certain allocation of functions between the Division of Corporation Finance and the Division of Corporate Regulations. In connection therewith, the Commission, among other things, amended Articles 30–1 and 30–2 of Subpart A of its Statement of Organization, Conduct and Ethics, and Information and Requests (17 CFR 200.30–1, 200.30–2). Reference was made therein to certain delegated authority under "Rule 3(b) of the Commission's rules of practice".

In view of the Commission's revision of its rules of practice and adoption of its Rules Relating to Investigations, as announced in Securities Act of 1933 Release No. 4677, Securities Exchange Act of 1934 Release No. 7264, Holding Company Act of 1935 Release No. 15028, Trust Indenture Act of 1939 Release No. 198, Investment Company Act of 1940 Release No. 3927 and Investment Advisers Act of 1940 Release No. 160, 29 F.R. 3619, such references to Rule 3(b) of the rules of practice would no longer be applicable, and the appropriate reference in that connection should be to Rule 6 of the Commission's Rules Relating to Investigations, 17 CFR 203.6. Accordingly, Articles 30–1 and 30–2 are amended by the Commission to conform thereto.

The Commission's action is as follows:

1. In § 200.30–1(b), subparagraph (2) is amended by changing "Rule 3(b) of the Commission's rules of practice, 17 CFR 201.3(b)" to read "Rule 6 of the Commission's Rules Relating to Investigations, 17 CFR 203.6." As so amended, § 200.30–1(b)(2) reads as follows:

§ 200.30–1 Delegation of authority to Director of Division of Corporation Finance.

* * * * * * *

(b) * * *

(2) In nonpublic investigatory proceedings within the responsibility of the director, to grant requests of persons submitting data or evidence to retain or procure copies of their data or transcripts of their testimony pursuant to Rule 6 of the Commission's Rules Relating to Investigations, 17 CFR 203.6.

* * * * * * *

2. In § 200.30–2(f), subparagraph (2) is amended by changing "Rule 3(b) of the Commission's rules of practice, 17 CFR 201.3(b)" to read "Rule 6 of the Commission's Rules Relating to Investigations, 17 CFR 203.6." As so amended, § 200.30–2(f)(2) reads as follows:

§ 200.30–2 Delegation of authority to Director of Division of Corporate Regulation.

* * * * * * *

(f) * * *

(2) In nonpublic investigatory proceedings within the responsibility of the director, to grant requests of persons submitting data or evidence to retain or procure copies of their data or transcripts of their testimony pursuant to Rule 6 of the Commission's rules Relating to Investigations, 17 CFR 203.6.

* * * * * * *

(Sec. 1, 76 Stat. 394, 15 U.S.C. 78d–1)

Effective date. The Commission finds that the foregoing actions relate to agency organization, procedure or practice and that compliance with sections 4 (a), (b), and (c) of the Administrative Procedure Act is unnecessary. Accordingly, the foregoing action, which was taken pursuant to Public Law No. 87–592, 76 Stat. 394, becomes effective immediately upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 25, 1964.

[F.R. Doc. 64-12312; Filed, Dec. 2, 1964; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter IV—Office of Water Resources Research, Department of the Interior

WATER RESOURCES RESEARCH

Notice was published in the FEDERAL REGISTER of October 29, 1964 (23 F.R. 14746–14752), that pursuant to the authority vested in the Secretary of the Interior by section 104 of the Water Resources Research Act of 1964 (Public Law 88–379), it was proposed to adopt regulations for carrying out the provisions of the Act.

Interested persons were given 20 days within which to submit written comments, suggestions or objections with respect to the proposed regulations. All comments received were carefully considered. The following changes have been made in the regulations as proposed:

1. In § 501.2(b), the description of the delegation to the Director has been revised.

2. A new § 501.3(d) has been added and the succeeding paragraphs have been redesignated.

3. In §§ 501.5(c)(2), 502.1(f)(1), and 502.2(f)(1) the words "(or supported)" have been added after the word "conducted."

4. In § 501.5(c)(3) and in § 502.1(b) the word "Director" has been substituted for the word "Secretary."

5. At the end of § 502.1(d) the following language has been added: "and an acknowledgement of the institute's responsibility for planning, work performance, and reporting for the entire program of the institute."

6. At the beginning of § 502.1(g), the following words have been added: "A statement that the institute is willing to enter into * * *."

7. The word "Evidence" has been added at the beginning of § 503.1(c)(15).

8. A reference to § 501.7(b) has been added to § 503.2(a).

9. New paragraphs (b) and (c) have been added to § 504.2.

10. A new paragraph (c) has been added to § 504.3.

11. Revised paragraphs (b) and (c) have been substitued for paragraphs (b), (c), and (d) in § 504.4.

12. A reference to § 501.7(b) has been added to § 504.5(a).

13. The first four lines of § 505.1(a)(1) have been revised.

The regulations set forth below are hereby adopted. They should become effective without awaiting the expiration of a full period of 30 days in order that water resources research institutes and other potential recipients of assistance pursuant to the Act can effectively schedule and utilize, during the current academic year, Federal support available in Fiscal Year 1965. Accordingly, the regulations shall become effective upon the date of their publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 30, 1964.

Part
501 General.
502 Requests for allotments to institutes.
503 Applications for grants, contracts, matching or other arrangements.
504 Approval of allotments and applications.
505 Fiscal and accounting.
506 Progress and accomplishment reports.
507 Consultation and coordination.
508 Audits and inspections.

PART 501—GENERAL

Sec.
501.1 Purpose.
501.2 Office of Water Resources Research.
501.3 Definition of terms.
501.4 Allotments to institutes.
501.5 Programs of institutes
501.6 Grants to institutes of matching funds for specific projects.
501.7 Grants to, and contracts, matching or other arrangements with, entities other than institutes.

AUTHORITY: The provisions of this Part 501 issued under sec. 104, 78 Stat. 331.

§ 501.1 Purpose.

The regulations in this chapter are issued pursuant to the Water Resources Research Act of 1964 (Public Law 88–379), which authorizes appropriations to, and confers authority upon, the Secretary of the Interior in order to promote a more adequate national program of water research.

§ 501.2 Office of Water Resources Research.

(a) The Office of Water Resources Research has been established as a component of the Department of the Interior. It reports to the Secretary of the Interior and is administered by a Director.

(b) The Secretary has delegated to the Director authority to take the actions and make the determinations that, under the Act, are the responsibilty of the Secretary, except for determinations under section 303 of the Act, the issuance of regulations, reporting to the President, and reporting to the Congress. The Director has redelegated to the Associate Director the authority of the Director, to be exercised under his general administrative direction.

§ 501.3 Definition of terms.

As used in this chapter, the term—

(a) "Act" means the Water Resources Research Act of 1964 (Public Law 88–379),

(b) "Allotment" means the funds made available to an institute in a particular fiscal year pursuant to section 100 of the Act and the regulations in this chapter,

(c) "Director" means the Director, Office of Water Resources Research,

(d) "Fiscal year" means a twelve-month period ending on June 30,

(e) "Institute" means a water resources research institute, center, or equivalent agency established in accordance with provisions of Title I of the Act,

(f) "Scientists" includes individuals in any professional discipline including individuals in the life, physical, or social sciences, and engineers,

(g) "Secretary" means the Secretary of the Interior or his authorized representative, and

(h) "State" includes each of the fifty States, and Puerto Rico.

§ 501.4 Allotments to institutes.

(a) Subject to the availability of appropriated funds, an allotment of $75,000 in the first fiscal year, $87,500 in each of the second and third fiscal years, and $100,000 in each fiscal year thereafter will be available to each State to assist in establishing and carrying on the work of an institute.

(b) An institute must be identified with a college or university in a State, unless two or more States cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute.

(c) An institute, as authorized by appropriate State authority, may, and is encouraged to, arrange with other colleges and universities within the State to participate in the institute's work. Such participation will not make the other colleges and universities ineligible for assistance under section 200 of the Act.

(d) Prior to receiving an allotment, each institute must meet certain qualifications prescribed in the Act and the regulations in this chapter.

§ 501.5 Programs of institutes.

(a) It shall be the duty of each institute to plan and conduct or arrange for a component or components of the college or university with which it is identified to conduct—

(1) Competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to water resources, and

(2) Training of scientists through such research, investigations, and experiments.

(b) Such research, investigations, experiments, and training may include, without being limited to:

(1) Aspects of the hydrologic cycle,

(2) Supply and demand for water,

(3) Conservation and best use of available supplies of water,

(4) Methods of increasing such supplies, and

(5) Economic, legal, social, engineering, recreational, biological, geographic, ecological, and other aspects of water problems.

(c) Institutes shall give due regard to:

(1) The varying conditions and needs of the respective States,

(2) Water research projects being conducted (or supported) by agencies of the Federal and State governments, the agricultural experiment stations, and others,

(3) Advice and assistance as provided by the Director pursuant to section 104 of the Act,

(4) Coordination of their programs with programs of other institutes and agencies, and

(5) Avoidance of any undue displacement of scientists elsewhere engaged in water resources research.

(d) An institute may also plan for research, investigations, and experiments to be conducted as part of the institute's program at colleges and universities other than the college or university with which the institute is identified. For purposes of financial management, reporting, and other research program management and administration activities, the institute shall be responsible for performance of the activities of other participating colleges and universities. The activities of participating colleges and universities must meet all of the requirements (such as scope of work, qualifications, coordination with other research) that are applicable to other portions of an institute's program.

§ 501.6 Grants to institutes of matching funds for specific projects.

(a) Section 101 of the Act provides for grants to institutes with the condition that such grants be matched on not less than a dollar-for-dollar basis with funds from States or other non-Federal sources. Appropriations are authorized in the following amounts:

Fiscal year:	*Amount*
1965	$1,000,000
1966	2,000,000
1967	3,000,000
1968	4,000,000
1969 and each following year	5,000,000

(b) Subject to the availability of appropriations, such matching grants may be made to provide funds to meet the necessary expenses of specific water resources research projects, including the expenses of planning and coordinating regional water resources research projects by two or more institutes, if the projects for which such grants are sought—

(1) Could not otherwise be undertaken were it not for the Federal grant, and

(2) Are approved by the Director on the basis of—

(i) Merit of the project,

(ii) Need for the knowledge it is expected to produce when completed, and

(iii) The opportunity it provides for the training of scientists.

§ 501.7 Grants to, and contracts, matching or other arrangements with entities other than institutes.

(a) Grants, contracts, matching or other arrangements may be made, pursuant to section 200 of the Act, for research into any aspects of water problems related to the mission of the Department of the Interior that are not otherwise being studied, when such research is deemed desirable by the Director.

(b) Subject to the availability of appropriated funds, such grants may be made to, or contracts, matching or other arrangements made with, any of the following:

(1) Educational institutions (other than those establishing institutes under Title I of the Act),
(2) Private foundations,
(3) Other institutions,
(4) Private firms,
(5) Individuals,
(6) Local government agencies,
(7) State government agencies, or
(8) Federal Government agencies.

PART 502—REQUESTS FOR ALLOTMENTS TO INSTITUTES

Sec.
502.1 Initial allotment.
502.2 Allotments after first fiscal year.

AUTHORITY: The provisions of this Part 502 issued under sec. 104, 78 Stat. 331.

§ 502.1 Initial allotment.

In order to obtain an initial allotment, an institute should submit to the Director, Office of Water Resources Research, Department of the Interior, Washington, D.C., 20240, a request (in six copies) containing the following information:

(a) Evidence that the institute conforms to the requirements of subsection 100(a) of the Act in that—

(1) The institute has been established at the college or university in the State that was established in accordance with the Act of July 2, 1862 (12 Stat. 503) or, if established at some other institution, the institute is at a college or university that has been designated by act of the legislature of the State for the purposes of section 100 of the Act, or

(2) If there is in the State more than one college or university established in accordance with the Act of July 2, 1862 and no designation has been made by act of the legislature of the State for the purposes of section 100 of the Act, the institute has been established at the one such college or university designated by the Governor of the State to receive the allotment, or

(3) The institute has been designated as an interstate or regional institute by two or more States in cooperation as provided by section 100 of the Act.

(b) Evidence of the appointment by the governing authority of the institute of an officer to receive and account for all funds paid under the provisions of the Act and to make annual reports to the Director on work accomplished and the status of projects under way, together with a detailed statement of the amounts received under any provision of the Act during the preceding fiscal year, and of its disbursement, on schedules prescribed by the Secretary.

(c) Evidence that the institute has plans for, and will conduct or arrange for a component or components of the college or university with which it is identified to conduct—

(1) Competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to water resources, and

(2) The training of scientists through such research, investigations, and experiments.

(d) Names of other colleges or universities, if any, within the State with which arrangements have been made for their participation in the work of the institute, with indication of the nature and extent of such participation and an explanation of the arrangements by which such participation becomes a part of the work of the institute, and an acknowledgment of the institute's responsibility for planning, work performance, and reporting for the entire program of the institute.

(e) Evidence that the institute has, or may reasonably be expected to have, the capability of doing effective work in one or more of the various water resources research activities contemplated by the Act, which evidence shall include:

(1) The proposed general plan of operation of the institute showing its organization and a summary of the institute program activities, by project or other appropriate headings, which includes information concerning the substantive character and the anticipated magnitude, in man-years, of proposed activities,

(2) Description of facilities to be utilized,

(3) A list of staff personnel with specific details as to academic and professional training, research experience, and other pertinent qualifications, and the time they will devote to research, training, or other activities of the institute,

(4) The money, facilities, services, property, and other contributions, from sources other than the annual allotment of Federal funds, that will be available to the institute in the initial fiscal year.

(f) Evidence that the institute is giving due regard to

(1) Water research projects being conducted (or supported) by agencies of the Federal and State governments, the agricultural experiment stations, and others,

(2) Avoidance of any undue displacement of scientists elsewhere engaged in water resources research,

(3) Water resources conditions and needs of the State (or States, in the case of a regional institute) as ascertained by consultation with appropriate State officials and by other means,

(4) Advice and assistance as provided by the Director pursuant to Section 104 of the Act and section 501.2 of this chapter, and

(5) Coordination of its program with programs of other institutes and agencies.

(g) A statement that the institute is willing to enter into an agreement, in a form approved by the Secretary and the Attorney General, that all information, uses, products, processes, patents, and other developments resulting from any scientific or technological research or development activity financed with funds supplied pursuant to the Act will (with such exceptions and limitations as the Secretary may determine, after consultation with the Secretary of Defense, to be necessary in the interest of the national defense) be made freely and fully available to the general public.

(h) A financial plan relating expenditures to scheduled activity and rate of effort to be expended, and indicating the times at which there will be need for specified amounts of allotted Federal funds.

(i) An appropriate "Notice of Research Project," and supplementary documentation as may be requested by the Director, for each separately identifiable research project the institute proposes to undertake during the year, for submission, when the allotment is approved, to the Science Information Exchange for publication in a catalog of water resources research.

§ 502.2 Allotments after first fiscal year.

After the first fiscal year, in order to obtain an allotment, an institute should submit to the Director a request (in six copies) containing the following information:

(a) All amendments, deletions, and additions to previously submitted information that are necessary to make it currently applicable,

(b) Evidence that all reports due under Part 506 of this chapter have been submitted,

(c) Evidence that any moneys received by the institute under the Act that have been found by the Director to have been improperly diminished, lost, or misapplied have been replaced, and safeguards have been established by the institute that will assure proper handling of funds received under the Act in the future,

(d) An outline explaining any changes in its program the institute plans to make during the forthcoming fiscal year,

(e) A financial plan relating expenditures to scheduled activity and rate of effort to be expended, and indicating the times at which there will be need for specified amounts of allotted Federal funds,

(f) Evidence that the institute's program is effective and is giving due regard to:

(1) Water research projects being conducted (or supported) by agencies of the Federal and State governments, the agricultural experiment stations, and others,

(2) Avoidance of any undue displacement of scientists elsewhere engaged in water resources research,

(3) Water resources conditions and needs of the State (or States, in the case of a regional institute) as ascertained by consultation with appropriate State officials and by other means,

(4) Advice and assistance as provided by the Director pursuant to Section 104 of the Act and Section 501.2 of this chapter, and

(5) Coordination of its program with programs of other institutes and agencies.

PART 503—APPLICATIONS FOR GRANTS, CONTRACTS, MATCHING OR OTHER ARRANGEMENTS

Sec.
503.1 Applications by institutes for grants of matching funds for specific projects.
503.2 Applications for research grants, contracts, matching or other arrangements by entities other than institutes.

AUTHORITY: The provisions of this Part 503 issued under sec. 104, 78 Stat. 331.

§ 503.1 Applications by institutes for grants of matching funds for specific projects.

(a) *Manner of submission.* An application for a matching grant under section 101 of the Act for a specific water resources research project should be submitted by an institute in 15 copies to the Director, Office of Water Resources Research, Department of the Interior, Washington, D.C., 20240.

(b) *Definition of funds eligible for matching.* Non-Federal funds which may be used to match a grant of Federal funds, on not less than a dollar-for-dollar basis, are those that have been or will be made available to an institute by State or other non-Federal sources during the duration of the project for which the grant is sought to meet the necessary expenses of a specific water resources research project, including the expenses of planning and coordinating regional water resources projects by two or more institutes. The fair value of services, facilities, property, or other contributions supplied from non-Federal sources, but excluding the cost of permanent buildings, may also be included. Title requirements for property purchased with non-Federal funds and used to match grants under the Act are set forth in section 505.5 of this chapter.

(c) *Information required with application.* Applications for matching grants shall be in the form of proposals to undertake specific water resources research projects. Such proposals shall set forth for each project—

(1) The nature and scope of the project to be undertaken,

(2) The period during which it will be pursued,

(3) The name and qualifications of the person who will direct the project,

(4) The number and general qualifications of the personnel who will work on the project, with the name, education, experience, and accomplishments of the principal scientist who will be assigned to it,

(5) The location or locations at which the project will be pursued,

(6) The importance of the project to the water economy of the Nation, the region, and the State concerned,

(7) The relation of the project to the over-all program of the institute,

(8) The relation of the project to other known research projects theretofore pursued or currently being pursued by the institute and by others (including but not limited to projects listed by the Science Information Exchange),

(9) The extent to which the project will provide opportunity for the training of scientists,

(10) A financial plan setting forth cash requirements, subdivided between grant and non-Federal funds—

(i) For each quarter of the first fiscal year, and

(ii) For each subsequent fiscal year during the proposed life of the project,

(11) The facilities that will be devoted to the project,

(12) The salient points of the plan that will be followed in pursuing the project, including a financial plan in which expenditures are related to activity and rate of effort to be expended,

(13) The intended method of publishing the results of the project on a timely basis,

(14) The basis for a determination that the project could not be undertaken without the grant for which application is made,

(15) Evidence that all reports due under Part 506 of this chapter have been submitted,

(16) The names of other colleges or universities, if any, within the State with which arrangements have been made for their participation in the project, with indication of the nature and extent of such participation, an explanation of the arrangements by which such participation becomes a part of the work of the institute, and an acknowledgment of the institute's responsibility for the planning, work performance, and reporting for the entire project,

(17) Assurance that, if the grant is made, the required matching funds from non-Federal sources will be forthcoming, and

(18) Information as to whether the project has been or will be submitted to organizations other than the Office of Water Resources Research for the purpose of obtaining a contract or grant, with the names of any such organizations. Similar information, with the part (or parts) of the project appropriately identified, shall be provided when only a part (or parts) of the project has been or will be submitted to another organization.

(d) *Additional requirement.* There must be attached to the application an appropriate "Notice of Research Project", and supplementary documentation information as may be requested by the Director, for submission, if the project is approved, to the Science Information Exchange for publication in a catalog of water resources research.

§ 503.2 Applications for research grants, contracts, matching or other arrangements by entities other than institutes.

(a) *Eligible applicants.* As provided in paragraph (b) of § 501.7 of this chapter, individuals and organizations other than an institute established under Title I of the Act and the educational institution with which the institute is identified are eligible to apply for Federal funds under section 200 of the Act to assist them in undertaking research into any aspects of water problems related to the mission of the Department of the Interior that are not otherwise being studied.

(b) *Manner of submission.* An application should be submitted in 15 copies to the Director, Office of Water Resources Research, Department of the Interior, Washington, D.C., 20240. A separate application must be submitted for each project. If an application is signed by an authorized representative of an applicant, evidence of the authority of the representative must be attached.

(c) *Information required with application.* (1) If the applicant is an individual, the application should include a statement in reasonable detail of his education, experience, accomplishments, and special qualifications for conducting the project for which application is being made.

(2) If the applicant is an organization, the application should include a statement as to its nature, officers, principal business, experience, and special qualifications for conducting the project for which application is being made.

(3) Each application shall also set forth the information specified in paragraphs (c) and (d) of § 503.1 to the extent applicable. (There is no requirement that matching funds be supplied from non-Federal sources in order to receive assistance under section 200 of the Act.)

PART 504—APPROVAL OF ALLOTMENTS AND APPLICATIONS

Sec.

AUTHORITY: The provisions of this Part 504 issued under sec. 104, 78 Stat. 331.

§ 504.1 Return of defective submissions.

(a) Upon receipt of a request for approval of an allotment or upon receipt of an application for a grant, contract, matching or other arrangement pursuant to the Act, the Director shall determine whether the submission conforms to the requirements of Part 502 or Part 503 of this chapter as appropriate. Non-conforming submissions will be returned with statements of the reasons for their return.

§ 504.2 Approval of initial allotments to institutes.

(a) The Director will approve the initial allotment to an institute when he has determined that the institute—

(1) Has been organized in conformity with subsection 100(a) of the Act,

(2) Has, or may reasonably be expected to have, the capability of doing effective work under the Act.

(3) Is committed to a program of work and a plan of operation that conform with the provisions of the Act and provide for activities that will not duplicate established water research programs, and

(4) Has a financial plan in which proposed expenditures have a reasonable relationship to the probable value of the results of the institute's activities.

(b) When the Director has determined that the initial allotment should be made to an institute, he will draft and sign a proposed continuing agreement setting forth the general terms and conditions of allotments, and forward five copies of it to the institute. The institute shall sign and return to the Director three copies of the continuing agreement. Such continuing agreement will also apply to grants to institutes of matching

funds for specific projects, pursuant to section 101 of the Act, if such grants are approved by the Director.

(c) The Director will also draft, sign, and forward to the institute five copies of an annual allotment agreement covering the initial annual allotment. The institute shall sign and return to the Director three copies of the annual allotment agreement.

§ 504.3 Approval of allotments to institutes after the first year.

(a) Each fiscal year after the first, the Director will approve an allotment to an institute when he has determined that the institute—

(1) Has, since receiving its preceding allotment, undergone no changes in its form of organization, finances, and plan of operation that disqualify it for an allotment pursuant to section 100 of the Act,

(2) Has submitted, in satisfactory form, all reports required in Part 506 of this chapter,

(3) Is committed to a program of work and a plan of operation that conform to the provisions of section 100 of the Act and provide for activities that will not duplicate established water research programs,

(4) Is engaged in, and is committed to, a program of research, investigations, and experiments and the training of scientists through such activities that represent competent and effective work of the types and in the manner provided for in the Act,

(5) Has properly accounted for all funds received pursuant to the Act and, if the Director has determined that any portion of such funds were improperly diminished, lost, or misapplied, has replaced them and supplied evidence that it has instituted safeguards that will assure proper handling of funds received under the Act in the future, and

(6) Has a financial plan in which proposed expenditures have a reasonable relationship to the probable value of the results of the institute's activities.

(b) In evaluating the plans of an institute, the Director will give due regard to the varying conditions and needs of the respective States.

(c) The Director will draft, sign, and forward to the institute five copies of an annual allotment agreement. The institute shall sign and return to the Director three copies of the annual allotment agreement.

§ 504.4 Approval of grants to institutes of matching funds for specific projects.

(a) The Director will approve an institute's application for a matching-fund grant under section 101 of the Act to assist in financing a specific project after determining that—

(1) The applicant is a qualified institute,

(2) Satisfactory assurance has been furnished that funds from non-Federal sources that will be devoted to the project will equal or exceed the amount of the proposed matching grant, and

(3) The proposed project is deserving of approval on the basis of its over-all merits, including consideration of—

(i) The need for the knowledge it is expected to produce when completed,

(ii) The opportunity it provides for the training of scientists,

(iii) The probability that it will be pursued with competence and completed within a reasonable time,

(iv) The relationship between the amount of the grant and the probable results to be achieved,

(v) Freedom from unnecessary duplication of work being performed by others, and

(vi) Evidence that the proposed project could not be undertaken without the aid of the requested grant.

(b) When the Director has determined that a matching grant should be made to an institute for a matching fund project, and if the institute has not previously executed the proposed continuing agreement required by paragraph (b) of § 504.2, he will forward such proposed continuing agreement to the institute for execution. The Director will also draft and sign a proposed matching grant agreement and forward five copies of it to the institute. The institute shall sign and return three copies of the proposed matching grant agreement, and, if one is submitted, three copies of the continuing agreement.

(c) If the proposed matching grant agreement, together with the continuing agreement if not previously executed, is not formally signed by the institute and returned to the Director within 30 days, the proposed matching grant agreement may be withdrawn by the Director.

§ 504.5 Approval of grants to, and contracts, matching or other arrangements with, entities other than institutes established pursuant to the Act.

The Director may approve proposals submitted under section 200 of the Act and § 503.2 of this chapter after determining that—

(a) The applicant for such grant, contract, matching or other arrangement is, as provided in paragraph (b) of § 501.7 of this chapter, a bona fide individual or organization, other than an institute established pursuant to the Act or the educational institution identified with such an institute, that has qualifications to perform work contemplated by section 200 of the Act,

(b) The proposal was properly signed by the applicant or its duly authorized agent,

(c) The work to be undertaken represents research into aspects of water problems related to the mission of the Department of the Interior,

(d) Such research is desirable and covers aspects of water problems not otherwise being studied,

(e) A reasonable relationship exists between the cost to the Government and the probable results to be achieved, and

(f) The applicant has expressed a willingness to enter into a research project agreement acceptable to the Director.

PART 505—FISCAL AND ACCOUNTING

Sec.
505.1 Procedure for obtaining payments.
505.2 Cost computation principles.
505.3 Capital and related expenditures.
505.4 Credits against cost and repayments to the Government.
505.5 Title to property.
505.6 Accounting records.

AUTHORITY: The provisions of this Part 505 issued under sec. 104, 78 Stat. 331.

§ 505.1 Procedure for obtaining payments.

(a) *Allotments.* (1) After the Director has determined that an institute's qualifications and plans are acceptable, and after the applicable agreements required by paragraphs (b) and (c) of § 504.2 of this chapter and paragraph (c) of § 504.3 of this chapter have been executed, he will provide the institute with public vouchers that it may sign and return for certification by the Director and payment. Each voucher will be in five copies. Two copies may be retained by the institute; three must be returned to the Director.

(2) The amounts and dates of such vouchers will be those that the Director decides, on the basis of the financial plan and reports the institute has submitted, will provide funds as they are needed by the institute to liquidate the liabilities it expects to incur.

(b) *Grants.* (1) After the grant agreement has been formally signed, payments of grant funds to the grantee will be made on public vouchers prepared, signed, and submitted by the grantee in three copies to the Director. Such vouchers will provide for amounts to be paid to the grantee as funds are required for the liquidation of liabilities the grantee expects to incur pursuant to the terms of the grant.

(2) In support of each such voucher the grantee will relate it to the approved financial plan.

(3) In the case of matching grants, the grantee will also submit evidence that a proper relationship is being maintained between expenditures of grant and non-Federal funds.

(c) *Contracts and other arrangements.* Individuals and organizations that conduct research under contracts or other arrangements pursuant to section 200 of the Act will submit to the Director, not more frequently than monthly, public vouchers in three copies, claiming payment or reimbursement as called for by the terms of the contract or other arrangement. Such vouchers shall detail deliveries, performance, expenditure or such other criteria for payment as are required by or are appropriate under the contract or other arrangement. Educational institutions and non-profit organizations may obtain advance payments of initial expenses upon submission of a voucher in three copies when, in the opinion of the Director, such payment is necessary to facilitate the work being done under contracts or other arrangements pursuant to the Act.

§ 505.2 Cost computation principles.

(a) *Applicability to allotments and grants.* The cost-computation principles prescribed in this section shall be utilized in the cost accounting required with respect to allotments and grants under the Act to provide evidence that the recipient has discharged the obli-

gation it assumed, when accepting these funds, to expend them solely for costs necessary for the accomplishment of the work for which they were received. These principles will also be applied in accounting for funds from other sources to the extent that such funds are applied to meet the requirement that grants be matched with non-Federal funds.

(b) *Applicability to contracts.* Computation of costs in accordance with the principles prescribed in this section is a prerequisite of payments from funds provided under the Act to a contractor under cost-reimbursement-type contracts. Such cost computation is also necessary for fixed-price contracts if they are terminated prior to completion or contain price-redetermination, renegotiation, or similar clauses.

(c) *Basic cost formulas.* Costs will be computed:

(1) By institutes and educational institutions, in accordance with Bureau of the Budget Circular A–21, as revised, except as provided in section 505.3.

(2) By all entities other than educational institutions and institutes, in accordance with the Federal Procurement Regulations (second edition) (Title 41, Code of Federal Regulations, Subpart 1–15.2) (29 F.R. 10288), except as provided in § 505.3.

§ 505.3 Capital and related expenditures.

(a) In no instance shall the Director approve payments pursuant to the Act which include any amounts representing, either directly or indirectly, the cost of permanent buildings. In no instance shall recipients of funds pursuant to the Act use such funds either directly or indirectly to pay the cost of permanent buildings.

(b) Payments received pursuant to the Act may be applied to capital expenditures, other than for permanent buildings, to the extent that such expenditures are provided for in plans for projects and other activities that have been approved by the Director.

§ 505.4 Credits against cost and repayments to the Government.

(a) Incidental income resulting from operations: (1) Income resulting from the work financed by allotments, grants, contracts, and other arrangements under the Act may be added to the funds in the hands of the allottee, grantee, or contractor and used for expenses of water resources research activities. Examples of such income are: Proceeds from the sale of scrap, water and other material produced as a by-product of, or remaining after use in, research activities; sale of, or royalties on, publications; etc. It is a responsibility of those receiving Federal funds under the Act to realize such incidental income to the maximum extent possible consistent with the purposes of the Act.

(2) In instances in which such incidental income results from joint expenditures of funds provided by the Act and of funds from other sources, such income shall be credited to their various sources in the ratio in which each contributed to the generation of the incidental income.

(b) Any interest earned on any funds received as allotments or grants under the Act shall accrue to the benefit of the United States and each institute or grantee shall submit as a part of its annual report a statement showing the amount of such interest earned during the period covered by the report.

(c) In the event an institute is dissolved or a research project conducted under a grant is completed or terminated prior to completion, all funds provided under the Act that remain in the hands of the allottee or grantee after liquidation of the costs chargeable to the allotment or grant will be returned to the Director.

(d) Similarly, any supplies and equipment or other assets that were purchased with funds provided under the Act as allotments may be disposed of by the Director at his discretion upon dissolution of an institute or, if purchased with grant funds, upon completion or termination of the project for which the funds were furnished.

§ 505.5 Title to property.

(a) Title to property purchased with Federal funds allotted to institutes pursuant to section 100 of the Act shall be in the name of the institute and not that of the State or the college or university with which the institute is identified. However, in instances in which a formal document evidencing title is prepared, and State law precludes its issuance in the name of the institute, titles such as the following will be satisfactory:

---------- University [or ---------- State] for the use and benefit of the ---------- Water Resources Research Institute.

(b) Title to property purchased with funds from non-Federal sources used to match grants under section 101 of the Act, shall, similarly, be vested in, or held for the use and benefit of, the institute. In the case of property purchased with non-Federal funds that is applied to meet matching requirements for grants under section 200 of the Act, title shall be vested in the grantee.

(c) In the case of reimbursement-type contracts, the title of property shall pass to and vest in the Government.

(1) Upon its delivery to the contractor if its purchase is paid for with funds supplied under the Act or the cost is reimbursable to the contractor from such funds, or

(2) Upon issuance of such property for use in the performance of the contract, or commencement of processing or use of such property in the performance of the contract, or reimbursement of the cost thereof by the Government, whichever first occurs.

(d) Title to property purchased with grant funds made available either under section 101 or under section 200 of the Act shall vest in the Government when acquired by the grantee, unless the grantee is a non-profit institution of higher education or a non-profit organization whose primary purpose is the conduct of scientific research and the Director determines that vesting title in such grantee would further the objectives of the Act.

§ 505.6 Accounting records.

(a) The officers of institutes appointed in compliance with section 102 of the Act, and appropriate officials of entities other than institutes, that receive funds under the Act, shall be responsible for maintaining books of account that clearly, accurately, and currently reflect the financial transactions involving allotments, grants, contracts, and other arrangements financed under the Act and also transactions financed with matching funds from sources other than the Federal Government. In addition, they shall maintain files of all papers necessary to explain and prove the validity of the transactions recorded.

(b) Such records, with all supporting and related documents shall, at all reasonable times, be made available, upon request, for inspection and audit by representatives of the Director and of the Comptroller General of the United States.

(c) Records relating to each allotment and each grant shall be retained and made available until the expiration of three years after the allottee's or grantee's last disbursement of such funds. Records with respect to contracts shall be retained and made available until the expiration of three years after the last payment thereunder was received by the contractor.

(d) The books and records maintained shall include a record of all property

(1) Received from the Federal Government,

(2) Charged as a cost of activities financed with funds provided by the Act,

(3) Included in costs paid with non-Federal funds to match grant funds, and

(4) Included in reimbursable costs under cost-reimbursement-type contracts.

(e) An accountability record shall be maintained for all items of such property that are nonexpendable and have an acquisition cost of $100 or more.

(f) Institutes, grantees, and contractors shall include the following provision in any contract or subcontract for services, equipment, or supplies they make that requires payments exceeding $2,500 from funds furnished under the Act or non-Federal funds used to match such Federal funds:

Representatives of the Director of the Office of Water Resources Research or of the Comptroller General of the United States shall, until the expiration of three years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers, and records relating to this contract.

For the purposes of this requirement, contracts or subcontracts for public utility services at rates established for uniform applicability to the general public are excluded.

PART 506—PROGRESS AND ACCOMPLISHMENT REPORTS

Sec.

Sec.
506.3 Annual reports by entities other than institutes.
506.4 Special reports.
506.5 Annual reports to the Congress.
506.6 Acknowledgment of Federal Government participation.

AUTHORITY: The provisions of this Part 506 issued under sec. 104, 78 Stat. 331.

§ 506.1 Project completion or termination reports.

(a) Recipients of funds under the provisions of sections 100, 101, and 200 of the Act are encouraged to publish, as technical literature, the findings, results, and conclusions relating to separately identifiable research projects undertaken pursuant to the Act. Fifty copies of such documents shall be furnished to the Director, together with supplementary information suitable for project documentation purposes.

(b) If a publication such as is described in paragraph (a) of this section has not been prepared with respect to a specific research project, recipients of funds under the provisions of sections 100, 101, and 200 of the Act shall, in conjunction with the completion or termination of the project, prepare a report which sets forth the findings, results, and conclusions relating to such project. Fifty copies of the report shall be furnished to the Director, together with supplementary information suitable for project documentation purposes.

§ 506.2 Annual reports by institutes.

(a) On or before September 1 of each year, each institute shall make an annual report relating to its program and activities conducted pursuant to sections 100 and 101 of the Act, for the year ending June 30, to the Director, in fifteen copies, which provides information as indicated in paragraphs (b), (c), and (d) of this section.

(b) Relating to the institute's program conducted pursuant to an allotment of funds and section 100 of the Act, the report shall provide—

(1) For each separately identified research project that was included as a part of the institute's annual program—

(i) A description of research performed and any findings, results, or conclusions relating thereto,

(ii) Supplementary information suitable for project documentation purposes,

(iii) A listing of any project-related publications or reports issued and papers prepared (with copies of such publications, reports, or papers being attached to each copy of the annual report),

(iv) In lieu of the information requested in subdivisions (i), (ii), and (iii) of this subparagraph (1), an appropriate reference to a project completion or termination report which contains similar information and which was submitted to the Director in accordance with the provisions of § 506.1, and

(v) Statements of project work remaining to be accomplished,

(2) A description of any other activities or work accomplished or remaining to be accomplished by the institute, including reports or publications issued and presented but not previously covered in subparagraph (1) of this paragraph (b),

(3) A record of training of scientists, and

(4) The nature and extent of activities conducted in cooperation with other institutes and research organizations.

(c) Relating to projects carried on pursuant to matching-fund grants and section 101 of the Act, the report shall provide, separately, for each project—

(1) Information similar to that prescribed in paragraph (b) of this section, and

(2) Other information relating to the project, as deemed appropriate by the institute.

(d) Relating to funds, the report shall provide detailed statements of the amounts received under the Act, and the disbursements thereof, on schedules prescribed by the Director—

(1) For the institute's annual program carried on pursuant to an allotment of funds under section 100 of the Act, and

(2) For each project carried on pursuant to a matching-fund grant under section 101 of the Act.

(e) In addition to information provided in their annual reports as prescribed above, institutes are encouraged to add a report section which provides general accounts of other significant or interesting water resources research developments and prospects, and analyses of local, State, regional or national water needs in relation to the program of the institute.

§ 506.3 Annual reports by entities other than institutes.

(a) On or before September 1 of each year each entity that has received funds under section 200 of the Act shall make a report relating to its activity for the year ending June 30 and submit such report to the Director, in fifteen copies. If there was more than one grant, contract, matching, or other arrangement in effect with the entity during the year covering more than one specific research project, the annual report shall be made up of separate sections, one for each such project, which provide—

(1) A description of research accomplished and the findings, results, and conclusions relating thereto,

(2) Supplementary information suitable for project documentation purposes,

(3) A listing of project-related publications or reports issued and papers presented (with copies of such publications being attached to each copy of the annual report),

(4) Statements of project work remaining to be accomplished,

(5) The nature and extent of activities conducted in cooperation with institutes or other research organizations, and

(6) A detailed statement of the amounts received during the year under grant, contract, matching, or other arrangement, and disbursements thereof, on schedules prescribed by the Director.

(b) If the entity has submitted to the Director a project completion or termination report in accordance with the provisions of section 506.1 of this chapter, the entity may make, in lieu of providing the information requested in subparagraphs (1), (2), and (3) of paragraph (a) of this section, an appropriate reference to such project completion or termination report.

§ 506.4 Special reports.

All organizations and individuals receiving funds under grants, contracts, or other arrangements pursuant to the Act shall submit such reasonable special or interim reports as may from time to time be specifically requested by the Director.

§ 506.5 Annual reports to the Congress.

Each year the Director shall prepare a recommended report suitable for transmission by the Secretary to the Congress, which report shall—

(a) Summarize the receipts and expenditures and work of the institutes in all States and of others that have received funds under the provisions of the Act,

(b) Indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor, and

(c) Summarize the advice and comments relative to needs and problems of the program authorized by the Act as such advice and comments may have been expressed by institutes and in the consultations described in Part 507 of this chapter, together with advice relative to the overall program secured by the Director from a special panel constituted by the Director for that purpose, which panel shall be composed of outstanding scientists, engineers, and laymen experienced in public affairs related to water resources.

§ 506.6 Acknowledgment of Federal Government participation.

Appropriate acknowledgment shall be given by institutes, grantees, and contractors to the Department of the Interior's participation in financing research carried out under provisions of the Act. Such acknowledgment shall be included in publications, news releases, and other information media developed by institutes and others to publicize, describe or report upon research activities and accomplishments carried out in whole or in part with funds received under provisions of the Act.

PART 507—CONSULTATION AND COORDINATION

Sec.
507.1 Cooperation.
507.2 Advice, assistance, and coordination.
507.3 Consultations.
507.4 Cooperation with cataloging center.

AUTHORITY: The provisions of this Part 507 issued under sec. 104, 78 Stat. 331.

§ 507.1 Cooperation.

The Director shall encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

§ 507.2 Advice, assistance, and coordination.

The Director shall furnish such advice and assistance as will best promote the purposes of the Act, participation in co-

ordinating research initiated under the Act by the institutes, and indicate to them such lines of inquiry as to him seem most important.

§ 507.3 Consultations.

The Director shall consult with and obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with water problems, of State and local governments, and of private institutions and individuals, to—

(a) Assure that the programs authorized by the Act will not duplicate established water research programs,

(b) Stimulate research in otherwise neglected areas,

(c) Contribute to a comprehensive, nationwide program of water and related resources research, and

(d) Obtain assistance in evaluating programs of the institutes, proposals for grants, contracts or other arrangements, reports of work, and the activities carried on pursuant to the Act.

§ 507.4 Cooperation with cataloging center.

The Director will cooperate with the cataloging center (established in such agency and location as the President determines to be desirable) by providing information to the center on work underway or scheduled pursuant to provisions of the Act, and otherwise as appropriate for the purpose of improving communication of information on water resources research. Such information will be used for cataloging current and projected scientific research in all fields of water resources.

PART 508—AUDITS AND INSPECTIONS

Sec.
508.1 Introduction.
508.2 Audits.
508.3 Inspections.

AUTHORITY: The provisions of this Part 508 issued under sec. 104, 78 Stat. 331.

§ 508.1 Introduction.

Representatives of the Director and of the Comptroller General of the United States may conduct on-site audits and inspections of institutes and other entities which have received Federal funds pursuant to the Act.

§ 508.2 Audits.

Audits conducted at the direction or on behalf of the Director will extend to a determination and appropriate finding of fact concerning compliance with the provisions of the Act, the regularity and accuracy of financial transactions and recording, adequacy of property accountability and internal control, and reliability of financial reporting. As a part of such audits, examinations will be made on a selective basis to determine that matching funds (as defined in section 503.1 of this chapter) have been received and properly expended by recipients of matching-fund grants under the Act and that grantees maintain a proper relationship between costs paid with funds from non-Federal sources and with matching grant funds provided under the Act. Professional audit techniques will be applied and accepted principles of business administration will be the governing criteria.

§ 508.3 Inspections.

In relation to the substantive scientific research operations of allottees, grantees, contractors and others, the Director may, with such personnel as he considers qualified and with such procedures as he determines to be suitable, perform inspections of activities authorized and financed pursuant to the Act. Such inspections will cover acceptability of progress, consistency with approved plans, and other factors the Director deems important to enable him to discharge his responsibilities for achievements consistent with purposes of the Act.

[F.R. Doc. 64-12380; Filed, Dec. 2, 1964; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

REVISION OF PART HEADINGS

EDITORIAL NOTE: The headings of certain parts in Chapter I, Title 21 of the Code of Federal Regulations, are revised to read as follows:

Part 14—Cacao products.
Part 15—Cereal flours and related products.
Part 16—Macaroni and noodle products.
Part 17—Bakery products.
Part 18—Milk and cream.
Part 19—Cheeses, processed cheeses, cheese foods, cheese spreads, and related foods.
Part 20—Frozen desserts.
Part 22—Food flavorings.
Part 27—Canned fruits and fruit juices.
Part 29—Fruit butters, fruit jellies, fruit preserves, and related products.
Part 37—Fish.
Part 42—Eggs and egg products.
Part 45—Oleomargarine, margarine.
Part 46—Nut products.
Part 51—Canned vegetables.
Part 53—Tomato products.

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER A—OFFICIAL RECORDS

PART 701—AVAILABILITY OF OFFICIAL RECORDS

SUBCHAPTER C—PERSONNEL

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

Miscellaneous Amendments

Scope and purpose. Section 701.3 is amended to authorize the release of copies of certain traffic accident investigative reports. Section 719.101 is amended in regard to the administration of discipline under article 15 of the Uniform Code of Military Justice (10 U.S.C 815) in multiservice commands with headquarters and field organizations. The amendments correspond to revisions included in Change 11 to the Manual of the Judge Advocate General, which change will be distributed to Navy and Marine Corps commands in due course.

1. Section 701.3 is amended by revising paragraph (a) to read as follows:

§ 701.3 Production of official records in the absence of court order.

(a) *Furnishing information from personnel and related records to personnel concerned.* Whether or not litigation is involved, naval personnel, civilian employees of the Naval Establishment, their personal representatives, e.g., executors, guardians, etc., or other properly interested parties may be furnished copies of records or information therefrom relating to death, personal injury, loss, or property damage to or involving such personnel, without following the procedures prescribed in either paragraph (c) or (d) of § 701.2, provided the interests of the United States are not prejudiced thereby. All such requests (except requests for medical records, for such traffic accident reports as described in subparagraph (2) of this paragraph, and for records relating to matters under the cognizance of the General Counsel) shall be referred to the Judge Advocate General, Navy Department, Washington, D.C., 20350, or, in the 11th, 12th, 13th, 14th, and 17th Naval Districts, to the Director, Office of the Judge Advocate General, West Coast, San Bruno, Calif., 94067.

(1) *Medical records.* Requests for medical records shall be processed in accordance with the Department of Defense policy set forth in Part 66 of this title, as implemented by the Manual of the Medical Department. If, in processing such a request for medical records, it appears that the interests of the United States may be involved, then such requests shall be referred to the Judge Advocate General. Production of medical certificates or other medical reports concerning civilian employees is controlled by the provisions of the Executive Order and the Navy Civilian Personnel Instruction referred to in § 701.2(e).

(2) *Provost marshal or base police reports of traffic accidents.* Local commanders are authorized to release copies of traffic accident investigative reports where service personnel are not involved and where no government vehicle is involved, provided the interests of the United States will not be prejudiced thereby. Release may be made to any properly interested party or his authorized representative. If it appears that the interests of the United States may be involved, then such requests shall be referred to the Judge Advocate General or, in the 11th, 12th, 13th, 14th, and 17th Naval Districts, to the Director, Office of the Judge Advocate General, West Coast. (Charges will be made in accordance with the schedule of fees published in Part 288 of this title (minimum fee $2.50). Fees collected will be credited as set forth in the Navy Comptroller Manual, paragraph 043145.)

* * * * *

2. Section 719.101 is amended by revising paragraph (a)(1) to read as follows:

§ 719.101 General provisions.

(a) *Authority to impose*—(1) *Multiservice commands.* In addition to the category of officers authorized to impose nonjudicial punishment under article 15(a) of the Code, the commander of a multiservice command to whose staff or command members of the naval service are assigned may designate one or more naval units and may for each such naval unit designate a commissioned officer of the naval service as commanding officer for the administration of discipline under article 15 of the Code. A copy of any such designation by the commander of a multiservice command shall be furnished to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, and to the Judge Advocate General.

* * * * *

(R.S. 161, sec. 501, 65 Stat. 290, secs. 801–940, 5031, 70A Stat. 36–78, 278, as amended, sec. 815, 76 Stat. 448; 5 U.S.C. 22, 140, 10 U.S.C. 801–940, 5031; Exec. Order 10214 (16 F.R. 1303, 3 CFR 1949–53 Comp., p. 408), as amended, Exec. Order 11081 (28 F.R. 945, 3 CFR 1959–63 Comp., p. 702).)

By direction of the Secretary of the Navy.

Dated: November 25, 1964.

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

[F.R. Doc. 64–12343; Filed, Dec. 2, 1964; 8:47 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER A—GENERAL PROVISIONS

PART 506—FOREIGN DISCRIMINATION AFFECTING U.S. SHIPS

Discriminations in the U.S.-Uruguayan Trade

Pursuant to the authority of section 19(1) of the Merchant Marine Act, 1920, the Federal Maritime Commission is authorized and directed to make rules and regulations affecting shipping in the foreign trade in order to adjust and meet general or specific conditions unfavorable to shipping in that trade, whether in any particular trade or upon any particular route, or in commerce generally, and which arise out of or result from foreign laws, rules or regulations, or from competitive methods or practices employed by owners, operators, agents or masters of vessels of a foreign country. Section 506.3 of this part also provides for the issuance of appropriate rules or regulations to counter any such discriminatory situations.

By decree dated June 13, 1963, the Government of Uruguay established certain preferences for goods shipped on Uruguayan national ships, as follows:

(a) Articles, merchandise, products and goods imported in national flag dry cargo ships shall be exonerated from fifty percent of the surcharge established by Article 1 of the decree dated April 14, 1963. (This surcharge amounts to twenty percent CIF value.)

(b) Articles, merchandise, products and goods not subject to surcharge and included within the provisions of Article 5 of law 12670 of December 17, 1959, shall be exempted from the six percent tax on transfer of funds abroad established by Article 6 of law 11924 of March 27, 1953, when they are imported in national flag dry cargo ships.

In the opinion of the Commission, the preferences established by said decree of June 13, 1963, artificially divert commercial shipments to Uruguayan national flag vessels, discriminate against vessels of the United States registry, and result in conditions which are detrimental to the free flow of international trade, thereby creating a condition unfavorable to shipping in the foreign trade between the United States and Uruguay. Despite the repeated representations of the United States Government, the Government of Uruguay has not removed these discriminations which are causing conditions unfavorable to United States shipping in the trade between the United States and Uruguay, and the Commission regrets that it now finds it necessary to invoke its powers under section 19(1)(b) of the Merchant Marine Act, 1920, to correct these discriminations. The Commission considers that notice and public procedure would be contrary to the public interest because of the detrimental effects to the commerce of the United States now being incurred as a result of the discriminations of the Government of Uruguay.

Therefore, as directed by section 19(1)(b) of the Merchant Marine Act, 1920, the Federal Maritime Commission hereby amends Part 506, Title 46, CFR, by the addition of a new section, § 506.4, as follows:

§ 506.4 Discriminations in the U.S.-Uruguayan trade.

(a) The Federal Maritime Commission has determined that the Government of Uruguay is engaged in discriminatory practices against vessels of United States registry and in favor of national flag vessels of Uruguay. Such national flag vessels are herein referred to as "favored vessels."

(b) The owner of any favored vessel carrying exports from the United States to Uruguay, or the operator of such vessel if operated by a person or company other than the owner, shall within four (4) days after departure of the vessel from the last United States port of call file with the Federal Maritime Commission, Office of International Affairs and Relations, Washington, D.C., 20573, a complete manifest of all such cargo carried by such vessel. Such manifest shall show for each shipment thereon the origin, destination, quantity or description, and the CIF value, and shall further stipulate whether such shipment is entitled to exoneration from 50 percent of the surcharge established by Article 1 of the decree dated April 14, 1963, or is exempt from the 6 percent tax on transfer of funds abroad established by Article 6 of law 11924 of March 27, 1953.

(c) The owner or operator of every favored vessel shall take appropriate steps to obtain the information and documents required in order to comply with the provisions of this section.

(d) In order to adjust or meet the unfavorable conditions caused by the decree of June 13, 1963, the owner or operator of each favored vessel carrying exports between the United States and Uruguay shall be subject, insofar as goods covered by Article 1 of the decree of April 14, 1963, are concerned, to an equalizing charge of 10 percent of the CIF value of all such cargoes covered. On the cargoes which are covered by the provisions of Article 5 of law 12670 of December 17, 1959, an equalizing charge of 6 percent of the CIF value shall be assessed. Such charges shall be paid directly to the Federal Maritime Commission, Washington, D.C., 20573, for the account of the Treasurer of the United States, and shall be remitted within ten (10) days after demand for payment.

(e) Whoever fails to comply with the provisions of this section shall be subject to all applicable remedies and penalties provided by law, in addition to the charges imposed by paragraph (d) of this section.

(f) The provisions of this section shall not apply to exports from the United States to Uruguay as to which the Federal Maritime Commission hereafter finds Uruguay has ceased to employ or enforce its preferential and discriminatory surcharges and transfer taxes. The Federal Maritime Commission may from time to time by appropriate notice modify the charge prescribed by paragraph (d) of this section, if the Commission finds that such modification is required in order to adjust or meet the discriminatory routing practices of Uruguay.

Effective date. This amendment shall become effective thirty days from the date of publication of this notice in the FEDERAL REGISTER.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–12406; Filed, Dec. 2, 1964; 8:50 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

SUBCHAPTER C—REAL PROPERTY MANAGEMENT

PART 110—REAL PROPERTY DISPOSAL

Transfer of Regulations

The regulations published in Part 110 of Title 44 are transferred, with new material, to a new Part 101–47 of Title 41 appearing in this issue of the FEDERAL REGISTER.

Therefore, Part 110 of Title 44 is hereby deleted.

Effective date. This deletion is effective December 22, 1964.

Dated: November 20, 1964.

LAWSON B. KNOTT, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 64-12286; Filed, Dec. 2, 1964; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15628; FCC 64-1099]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations; Pekin, Ill.

Report and order. 1. The Commission has before it for consideration its notice of proposed rule making (FCC 64-862) issued in this proceeding on September 18, 1964, inviting comments on a proposal to assign Channel 285A to Pekin, Illinois in addition to its presently assigned Channel 237A. No oppositions were filed to the proposal.

2. At the present time Pekin has assigned to it one Class A FM assignment, Channel 237A, on which a construction permit has been granted. Pekin, a community of 28,146 persons is located in Tazewell County, which has a population of 99,789. The only radio station on the air in Pekin is a daytime-only station. We are of the view that Pekin is large and important enough to warrant the assignment of a second FM assignment and that adoption of the subject proposal would serve the public interest.

3. Authority for the adoption of the amendment contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered,* That effective January 7, 1965, the FM Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended, insofar as the community named is concerned, to read as follows:

City:	*Channel No.*
Pekin, Ill	237A, 285A

5. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat. 1066, as amended, 1082, as amended, 1083; 47 U.S.C. 154, 303, 307)

Adopted: November 25, 1964.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION [1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12346; Filed, Dec. 2, 1964; 8:47 a.m.]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

Notifying the Federal Aviation Agency About Antenna Structures; Miscellaneous Amendments

Order. The Commission having under consideration the desirability of making editorial changes in Part 81 of its rules;

It appearing, that the amendments adopted herein are for the purpose of conforming the provisions of §§ 81.31, 81.32, and 81.36 to the rule change in § 17.4(f) which became effective November 9, 1964; and

It further appearing, that these conforming amendments relate to FCC Form 714 whereby an applicant for a nonbroadcast station informs the Commission whether notice has been given to Federal Aviation Agency concerning a proposed antenna structure in accordance with Part 77 of the Federal Aviation Agency rules; and

It further appearing, that the amendments adopted herein are editorial in nature, and, therefore, compliance with the rule making procedures and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing, that authority for these amendments is set forth in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and in § 0.261(a) of the Commission's rules;

It is ordered, This 24th day of November 1964, that effective December 7, 1964, Part 81 of the Commission's rules is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat. 1066, as amended, 1068, as amended, 1082, as amended; 47 U.S.C. 154, 155, 303)

[1] Commissioner Hyde absent.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

A. Part 81 is amended as follows:

1. Section 81.31 is amended by adding a new paragraph (g) thereto:

§ 81.31 Establishment of station.

* * * * *

(g) An application for construction permit, filed pursuant to this section, which shows on its face that the antenna structure will extend more than 20 feet above the ground or natural formation or more than 20 feet above an existing man-made structure (other than an antenna structure) shall be accompanied by FCC Form 714 indicating that notification has or has not been submitted to the Federal Aviation Agency.

2. Section 81.32 is amended by adding a new paragraph (d) thereto:

§ 81.32 Changes prior to completion of station.

* * * * *

(d) An application for modification of construction permit, filed pursuant to this section, which shows on its face that the antenna structure will extend more than 20 feet above the ground or natural formation or more than 20 feet above an existing man-made structure (other than an antenna structure) shall be accompanied by FCC Form 714 indicating that notification has or has not been submitted to the Federal Aviation Agency.

3. Section 81.36 is amended by adding a new paragraph (e) thereto:

§ 81.36 Changes during license term.

* * * * *

(e) An application for construction permit, filed pursuant to this section, which shows on its face that the antenna structure will extend more than 20 feet above the ground or natural formation or more than 20 feet above an existing man-made structure (other than an antenna structure) shall be accompanied by FCC Form 714 indicating that notification has or has not been submitted to the Federal Aviation Agency.

[F.R. Doc. 64-12347; Filed, Dec. 2, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1036]

[Docket No. AO–179–A24]

MILK IN NORTHEASTERN OHIO MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Northeastern Ohio marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. 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)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Cleveland, Ohio, on October 20–21, 1964, pursuant to notice thereof which was issued September 24, 1964 (29 F.R. 13483).

The material issues on the record of the hearing relate to:

1. Diversion of producer milk;
2. Qualifications for attaining pool plant status;
3. Accounting for bulk tank milk under certain specified conditions;
4. Classification provisions;
5. The Class I milk price;
6. The Class II milk price;
7. Location differentials;
8. Seasonal incentive payments; and
9. Miscellaneous and conforming changes.

This decision is concerned only with that portion of Issue No. 5 relating to the use of market statistics of the North Central Ohio milk order (Part 1037) in the computation of the supply-demand adjustment under the Northeastern Ohio milk order. Other aspects of the Class I pricing provisions and the remaining issues of the hearing will be considered in a further decision.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The use of North Central Ohio order (Order 37) supplies and sales data in the Northeastern Ohio supply-demand adjustment provision should be discontinued and the "standard utilization percentages" adjusted to compensate for the elimination of such data.

The supply-demand adjustment is computed by comparing the "current utilization percentage" (i.e., the ratio of combined producer receipts to combined Class I sales during the second and third months preceding the pricing month) with a standard utilization percentage or "norm" applicable for the pricing month. The Class I price adjustment is based on the deviation of the current utilization percentage above or below this norm. At the present time the supply-demand adjustor is reducing the Northeastern Ohio Class I price.

On November 13, 1964, a decision was issued which would consolidate the North Central Ohio and Toledo, Ohio orders into a single regulation (tentatively designated as the Northwestern Ohio order). This decision also would expand the marketing area and provide for a marketwide pooling provision.[1] From the effective date of the Northwestern Ohio order, the supplies and sales data for the North Central Ohio order will no longer be available for use in the Order 36 supply-demand computation in the manner provided in the present order.

There was no testimony offered on the record of this hearing as to whether market data for the consolidated and expanded order should be included in the Order 36 supply-demand computation. In any event, a decision on this matter would be premature without some experience under the consolidated order.

The individual-handler pool market of North Central Ohio historically has maintained a higher Class I utilization than Northeastern Ohio. To avoid unwarranted price changes through the elimination of Order 37 data, the standard utilization percentages should be increased four percentage points in each month of the year.

Proponent cooperative associations testified that an increase of five percentage points in the standard utilization percentages would be necessary to maintain the present price level. A handler representative stated that an increase of three percentage points would accomplish this end.

The "current utilization percentages" used to compute the supply-demand adjustment averaged 158 during 1963. Excluding data for North Central Ohio, such percentages would have averaged 163, or five points higher than the actual average percentages. For the 11-month period of January–November 1964 (data for December are not yet available) the current utilization percentages used to compute the supply-demand adjustment averaged 149. Excluding Order 37 data, such percentages would have averaged 153, or four points higher than the actual percentages. Increasing the standard utilization percentages four percentage points and eliminating Order 37 data would not have changed the Class I price in any month during this 23-month period. An increase of five points, however, would have caused a 7-cent higher Class I price in one month (January 1964). An increase of four percentage points will offset the exclusion of North Central Ohio producer receipts and Class I sales, and thus maintain the present annual Class I price level.

Other proposed amendments to the Class I pricing provisions were offered at the hearing. However, to expedite the decision on the above matter, the remaining proposals will be considered in a later decision. Accordingly, no further changes are proposed at this time, and the present level and seasonality of the Class I price are retained.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price

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[1] Official notice is taken of the final decision on this matter which was issued on November 13, 1964 (29 F.R. 15416).

of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Northeastern Ohio marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Subparagraphs (1) and (2) of § 1036.51 (a) are revised to read as follows:

§ 1036.51 Class I milk prices.

* * * * *

(a) * * *

(1) Divide the total quantity of producer milk during the second and third months preceding by the gross quantity of milk utilized as Class I (adjusted to eliminate duplications due to interhandler transfers) at pool plants in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph, the "standard utilization percentage" shown below:

Month for which the price is being computed	*Standard utilization percentage*
January	130
February	129
March	129
April	130
May	131
June	132
July	141
August	149
September	142
October	128
November	126
December	128

* * * * *

Signed at Washington, D.C., on November 27, 1964.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 64-12364; Filed, Dec. 2, 1964; 8:48 a.m.]

[7 CFR Part 1126]

[Docket No. AO-231-A23]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the North Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

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)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Dallas, Texas, on August 26, 1964, pursuant to notice thereof which was issued August 18, 1964 (29 F.R. 11974). This was a joint hearing at which Issue Nos. 1 and 4 concerned the orders regulating the handling of milk in the Lubbock-Plainview (Part 1120), North Texas (Part 1126), San Antonio, Tex. (Part 1127), Central West Texas (Part 1128), Austin-Waco, Tex. (Part 1129), and Corpus Christi, Tex. (Part 1130) marketing areas.

The material issues on the record of the hearing related to:

1. The need for an emergency increase in the Class I milk prices established by the order regulating the handling of milk in the above designated marketing areas;

2. Class II classification of dumped milk, half and half, coffee cream and whipping cream;

3. Revision of the method for computing producer butterfat differentials; and

4. Whether an emergency exists concerning Issue No. 1 which requires the omission of a recommended decision and opportunity for interested persons to file exceptions thereto and the immediate issuance of a final decision.

A final decision containing the findings and conclusions on Issue No. 1 and Issue No. 4 was issued September 24, 1964 (29 F.R. 13397) and a final order on September 28, 1964 (29 F.R. 13475). This concluded action on all issues affecting orders other than that for the North Texas marketing area (Part 1126). This decision is concerned with the remaining issues, all of which relate to the North Texas order only.

Findings and conclusions. The following findings and conclusions on the remaining material issues (No. 2 and No. 3) are based on evidence presented at the hearing and the record thereof:

2. *Classification in the North Texas order of (a) half and half, coffee cream and whipping cream; and (b) dumped milk.* (a) Half and half, coffee cream and whipping cream should not be classified as Class II milk under the North Texas order.

A handler contended that his firm is meeting adverse competition in the distribution of coffee cream and half and half. The testimony was that substitute products made from mixtures of nonfat dry milk and vegetable fat have caused the handler to lose a substantial volume of the restaurant business for these products in the Dallas portion of the North Texas market.

Sales data for the three products were introduced in evidence. The utilization of butterfat in half and half increased 2.2 percent during the 12-month period ending July 1964 as compared with the same period a year earlier. At the same time, its utilization in coffee cream decreased 26 percent, and in whipping cream remained the same for the periods compared. The total utilization of butterfat in the three products decreased 9.1 percent as compared with a year earlier. About 40 percent of the butterfat used in the three products is disposed of in half and half, 31 percent in coffee cream, and 29 percent in whipping cream.

It may be that coffee cream sales have been lost to substitute products. The data indicate the probability that some of the decrease in butterfat used for coffee cream has been absorbed by the increased utilization of butterfat in half and half. Coffee cream and half and half are interchangeable as dairy products for "creaming" beverages and cereals.

The most important consideration, however, is that health authorities require that the three products be made from inspected milk. So long as this requirement is in effect, the fact that substitute products that do not have to be made from inspected milk may be sold at lower prices is not a convincing reason for changing the classification.

Producers should continue to receive the Class I price for milk sold in these products under the Grade A label, rather than the Class II price which they receive for reserve milk disposed of in dairy products which do not require health department inspection. Under present marketing conditions, the Class II classification of skim milk and butterfat in half and half, coffee cream and whipping cream is unwarranted and is therefore denied.

(b) Class II classification should be provided for milk that is dumped because buttermilk has not been produced from skim milk to which buttermilk culture or "starter" has been added. Class II classification for other fluid milk products dumped should not be provided on the basis of this record.

A handler proposed that "dumped" milk be classified as Class II milk. There is presently no specific provision for classification of milk so disposed of. It is therefore treated as unaccounted for milk, or "shrinkage" for which amounts within specified limits may be accounted for as Class II milk, but amounts in excess of such limits are Class I milk.

Two situations were described in which "dumping" (pouring down the drain) of fluid milk products have reached proportions exceeding the shrinkage limits of the order. One such problem was the failure of buttermilk to "set-up". For three months of the past year, the proponent handler's allowable plant shrinkage was insufficient to accommodate the volume dumped from this cause.

Cultured buttermilk is produced by the addition of culture or "starter" to pasteurized skim milk, which is then held at an appropriate temperature until the desired acidity results. When this degree of acidity is achieved, the buttermilk has "set". At this point the product normally contains less than one percent butterfat.

Buttermilk sometimes fails to set because of improper temperature, substances in the skim milk which inhibit the growth of bacteria (such as antibiotics), bad starter and improper sterilization and cleaning of equipment. Laboratory tests made on buttermilk which fails to set do not reveal conclusively which of these causes may be responsible for such failure in a given situation. Whatever the cause, the resulting product frequently must be dumped because it has no commercial value and must be disposed of promptly. For this reason, it should be provided that when starter has been added to skim milk and the buttermilk fails to set, Class II classification should apply to the product if dumped.

Since the amount of fat contained in the product at this point in processing is normally less than one percent, it would be unreasonable to charge handlers Class I for the fat included in the dumped milk on the supposition that it can be salvaged and used again in a Class I product. It is concluded that the butterfat as well as the skim milk dumped under the conditions described should be classified as Class II.

Dumped milk involves the disappearance of product from the pool accounting problem. Provision is needed to preclude the use of self-serving records by handlers in claiming Class II classification for dumped milk. For this reason it should be provided that the handler give prior notification to and opportunity for verification by the market administrator in such manner as he may require.

Another problem described concerned off-flavored milk. During June and July 1964, about 20 percent of the milk delivered to a North Texas handler's plant was rejected because of bad flavor, and shipped to manufacturing plants. About 40 percent of all milk received is carried over to the next day for processing. The plant runs tests for acidity, butterfat, bacteria and added moisture. Even so, rancidity sometimes develops between the time the milk is received and the time it is processed. It is apparent that this problem results most often from errors made in accepting milk that should have been rejected during the receiving operation.

Ordinarily, the proponent handler's plant shrinkage is about one percent per month, including dumped milk, and is well within the allowable plant shrinkage provided in the order. This being the case, the proposal to extend Class II classification for dumped milk beyond the provision for buttermilk which does not "set" is unnecessary and is therefore denied.

3. *Butterfat differentials.* The producer butterfat differential should be calculated as an average of the Class I and Class II handler butterfat differentials weighted by the proportion of butterfat in producer milk in each class during the month, and should be calculated to the nearest one-tenth cent.

The North Texas order adjusts the uniform price to producers for milk above and below 3.5 percent butterfat content on the basis of a schedule of butterfat differentials directly related to a designated range of butter prices. The butter prices are those which are reported by the Department each month for 92-score bulk creamery butter at Chicago. This method of computation, however, does not relate the producer butterfat differential to the class-use of butterfat in the North Texas market.

Fluid milk products must meet more exacting health standards than milk for manufacturing purposes. The value of butterfat in Class I milk is higher in the North Texas market than is the value of butterfat in Class II milk. It would be more appropriate, therefore, to compute the producer butterfat differential on the basis of a weighted average of the Class I and Class II utilization of butterfat in producer milk. This technique is similar to the one which is followed in computing the uniform price paid to producers. Producers will be more appropriately compensated by adjusting their uniform prices in relation to the class-use of butterfat in producer milk.

The present producer butterfat differential has been relatively inflexible. During the 28 months ending with July 1964, it remained constant at six cents for each one-tenth of one percent butterfat content. The method recommended herein for computing the producer butterfat differential will reflect the relative utilization of butterfat in Class I and Class II milk. It will also be more responsive to changes in the price of butter. It will be consistent with the provisions of most Federal orders which adjust uniform prices to producers with producer butterfat differentials based on a weighted average of the handler butterfat differentials.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the North Texas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1126.41, a new subparagraph (b) (8) is added to read as follows:

§ 1126.41 Classes of utilization.

* * * * *

(b) * * *

(8) Dumped because buttermilk is not produced from skim milk to which buttermilk culture has been added, if the handler gives prior notification to and opportunity for verification by the market administrator in such manner as the market administrator may require.

2. In § 1126.91, paragraph (a) is revised to read as follows:

§ 1126.91 Butterfat and location differentials to producers.

(a) In making payments to producers pursuant to § 1126.90 (a) or (c), the uniform prices shall be increased or decreased by each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 1126.46 by the respective butterfat differential in each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

* * * * *

Signed at Washington, D.C., on November 27, 1964.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 64-12365; Filed, Dec. 2, 1964; 8:48 a.m.]

[7 CFR Part 1044]

[Docket No. AO 299–A7]

MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Escanaba, Michigan, on August 20, 1964, pursuant to notice thereof issued July 22, 1964 (29 F.R. 10399).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on November 3, 1964 (29 F.R. 15084; F.R. Doc. 64–11430) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing related to incorporating a separate Class I price provision in the order.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The Class I price provision of the Michigan Upper Peninsula order should be revised but the Class I price level should not be changed. To accomplish this, the Class I price provision of the order should provide a Class I price determined by a stated Class I differential added to a basic formula price, subject to adjustments based on the same supply-demand adjustment factor contained in the Northeastern Wisconsin order and presently effective under this order. This would replace the direct tie to the Northeastern Wisconsin order Class I price but would maintain the same price level.

The monthly average price received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department on about the fifth day following the month (adjusted to a 3.5 percent butterfat basis) should be the basic formula price from which the Class I milk price is computed in this order. This is the same basic formula price as that used in the Northeastern Wisconsin order Class I price computation to which the Class I price of the Michigan Upper Peninsula order is now linked and is the price series presently used to determine the Class II price of the Michigan Upper Peninsula order.

A method for adjusting the price to a 3.5 percent butterfat basis must be adopted for the order because the Class I price is announced on this basis. For this purpose a generally recognized butterfat value, 0.120 times the average wholesale price for 92-score butter at Chicago, should be used. This method of adjustment is employed under the Northeastern Wisconsin order to adjust the basic formula price and is used under this order to adjust the Class II price to a 3.5 percent butterfat basis.

The Class I price under this order now is the Northeastern Wisconsin order Class I price, adjusted by the supply-demand adjustment of that order, plus a differential of 11 cents for plants in Zone 1(a), 21 cents for plants in Zone 1 and 41 cents for plants in Zone 2.

A producer association, representing a majority of producers in the market, proposed that the order be amended to provide an independent formula for computing the Class I price. It was supported in its request by two other producer associations. There was no opposition to the proposal.

A separate Class I price provision should be adopted in the order. This will more effectively accommodate its operation on an independent basis. The pricing formula proposed herein will provide such independent pricing but will maintain the present price level by incorporating the same basic formula and supply-demand adjustment now under the Northeastern Wisconsin order. The stated differential is comprised of the Class I differential under the Northeastern Wisconsin order plus the increments by which the present Michigan Upper Peninsula order Class I prices in the three zones are above the Northeastern Wisconsin price.

The Class II price provision of the order should be revised to refer to the basic formula price as the Class II price in each month. This is a conforming editorial change and does not change the Class II price level.

At the hearing a producer association representative proposed that the Class I price in Zone 1(a) be increased 10 cents to the level of the Zone 1 price. As justification for such action, it was pointed out that premiums above the order minimum price are paid in this area by the association. The witness indicated, however, that any general Class I price increase in this market should not be made because it could disrupt price alignment with the Northeastern Wisconsin order.

There is no basis for increasing the Zone 1(a) Class I price under the requirements of the Agricultural Marketing Agreement Act of 1937, the statutory authority under which milk marketing orders are issued. This Act requires that prices be established at a level that will tend to obtain an adequate supply of milk to meet the fluid needs of the market, plus a necessary reserve for fluctuations in demand.

At this time an adequate supply of milk is available in Zone 1(a) to meet fluid needs at the present price for that zone. In the first seven months of 1964, 67 percent of producer receipts at plants in Zone 1(a) was used for Class I sales compared to 74 percent in the same period a year earlier. For the year of 1963, 72 percent of producer receipts in this zone was used for fluid purposes; down two percent from 1962. The reserve supply of milk is adequate to meet the current and prospective fluid needs of the market in Zone 1(a) as indicated by the above percentages of producer receipts used in Class I. Moreover, the proportion of milk in the zone available for Class I uses has continued to increase at a steady rate since 1962.

A suggestion was made at the hearing that the supply-demand adjustment to the Class I price be made inoperative during the July–August vacation period of high Class I sales. However, it was requested that no action be taken on the request unless at the same time such action could be taken in the Northeastern Wisconsin order.

The Northeastern Wisconsin order cannot be amended on the basis of this record. Furthermore, it is inappropriate to consider increasing the Michigan Upper Peninsula order Class I price seasonally by eliminating the effect of the supply-demand adjustor. In July, the relationship of Class I sales to producer receipts is normally about the same as the yearly average and the Class I differential is equal to the annual average differential. While August normally is the month of highest Class I sales in relation to producer receipts the present August Class I price differential is 20 cents more than July to recognize this seasonal difference in supply and sales. Hence, there is no evidence to justify increasing the Class I price in July and August.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed by an interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, the exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of September 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Michigan Upper Peninsula marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on November 30, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area

§ 1044.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Michigan Upper Peninsula marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

§ 1044.22 [Amended]

1. In § 1044.22(i)(1), the reference "§ 1044.50" is revised to read "§ 1044.51".

2. Section 1044.50 is revised to read as follows:

§ 1044.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis at the rate of the butter price times 0.120 and rounded to the nearest cent.

3. Section 1044.51 is revised to read as follows:

§ 1044.51 Class prices.

Subject to the provisions of § 1044.52, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $0.65 in Zone 1(a), $0.75 in Zone 1 and $0.95 in Zone 2 March through June; plus $1.05 in Zone 1(a), $1.15 in Zone 1 and $1.35 in Zone 2 August through November; and plus $0.85 in Zone 1(a), $0.95 in Zone 1 and $1.15 in Zone 2 in all other months, plus or minus a supply-demand adjustment of not more than 24 cents. For plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2. The supply-demand adjustment shall be computed as follows:

(1) Calculate a "current utilization percentage" for each month by dividing the total pounds of Class I milk (excluding interhandler transfers) disposed of from fluid milk plants under the terms of this order and pool plants under the order regulating the handling of milk in the Northeastern Wisconsin marketing area (Part 1045 of this chapter) for the second and third preceding months into the total hundredweight of producer milk received at such plants during the same months, multiply by 100 and round to the nearest whole number;

(2) Calculate a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below, nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage;" and

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage."

Month for which price applies	Month for which utilization is computed	Standard utilization range	
		Minimum	Maximum
January	October–November	123	128
February	November–December	128	133
March	December–January	130	135
April	January–February	133	138
May	February–March	135	140
June	March–April	140	145
July	April–May	145	150
August	May–June	150	155
September	June–July	145	150
October	July–August	130	135
November	August–September	123	128
December	September–October	123	128

(3) For a minus or a plus net deviation percentage the Class I price shall be increased or decreased, respectively, by two cents for each percentage unit of net deviation: *Provided,* That for each month, the supply-demand adjustment shall differ by not more than four cents from that calculated for the preceding month.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1044.63 [Amended]

4. In § 1044.63, the reference "§ 1044.50" is revised to read "§ 1044.51".

[F.R. Doc. 64-12383; Filed, Dec. 2, 1964; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-83]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to alter controlled airspace in the Fort Dodge, Iowa, terminal area.

The Fort Dodge transition area is presently designated as that airspace extending upward from 700 feet above the surface within 10 miles SW and 7 miles NE of the Fort Dodge VOR 127° and 307° radials, extending from 15 miles SE to 13 miles NW of the VOR. There is no control zone presently designated at Fort Dodge, Iowa.

To implement the provisions of Amendments 60-21 and 60-29 of Part 60 of the Civil Air Regulations, the Federal Aviation Agency proposes to take the following airspace actions:

1. Designate a control zone at Fort Dodge, Iowa, to comprise that airspace within a 5-mile radius of the Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'21" W.). This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Guide, or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964.

2. Alter the transition area in the Fort Dodge, Iowa, terminal area by redesignating it as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'21" W.); and that airspace extending upward from 1200 feet above the surface within a 15-mile radius of the Fort Dodge VORTAC; and within the area bounded by a line 5 miles NW of and parallel to the Fort Dodge VORTAC 056° radial extending from the 15-mile radius area NE to the arc of a 26-mile radius circle centered on the Fort Dodge VORTAC, thence clockwise around the arc of the 26-mile radius circle to and NE along a line 5 miles NW of and parallel to the Fort Dodge VORTAC 222° radial to the 15-mile radius area.

The designated control zone would provide protection for aircraft departing from and executing prescribed missed approach procedures at the Fort Dodge Municipal Airport until they reach an altitude of 700 feet above the surface, during the hours of operation of the weather reporting service to be provided by duly certificated personnel of Ozark Airlines. The normal hours for the taking of these weather observations and the dissemination of this information are from 0700 hours to 2200 hours local time daily. However, in the case of airline schedule changes, these hours may be changed. Normally 30 days notice will be given in case of change. Notice of the change will be given by Notice to Airmen and published in the Airman's Guide, or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964. Communications within the control zone will be provided by the Mason City Flight Service Station through remote radio transmitting and receiving facilities located at the Fort Dodge Municipal Airport. The proposed 700-foot and 1200-foot transition areas are necessary to contain all holding, departure and missed approach procedures.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein but operational complexity would not increase nor would aircraft performance or present landing minimums be adversely affected.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 24, 1964.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 64-12307; Filed, Dec. 2, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-86]

CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Waterloo, Iowa, terminal area.

The following controlled airspace is presently designated in the Waterloo, Iowa, terminal area:

1. The Waterloo control zone which lies within a 5-mile radius of Waterloo Municipal Airport (latitude 42°33'22" N., longitude 92°23'59" W.); within 2 miles either side of the Waterloo VORTAC 120° and 314° radials extending from the 5-mile radius zone to 12 miles SE and NW of the VORTAC and within 2 miles either side of the ILS localizer NW course extending from the 5-mile radius zone to the OM.

2. The Waterloo control area extension which lies within a 37-mile radius of the Waterloo VORTAC excluding the portion N. of a line 12 miles N. of and parallel to the Waterloo VORTAC 099° radial and E. of a line 12 miles E. of and parallel to the Waterloo VORTAC 353° radial; and the airspace SE of Waterloo within 12 miles SW and 8 miles NE of the Waterloo VORTAC 146° radial extending from the Waterloo 37-mile radius area to the Cedar Rapids, Iowa VORTAC.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Waterloo, Iowa, terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60-21/60-29, proposes the following airspace actions:

1. Redesignate the Waterloo control zone as that airspace within a 5-mile radius of the Waterloo Municipal Airport (latitude 42°33'22" N., longitude 92°23'59" W.); within 2 miles each side of the Waterloo VORTAC 078° and 200° radials extending from the 5-mile radius zone to 8 miles E. and 8 miles S. of the VORTAC; and within a 1-mile radius of the Leibundguth Airport (latitude 42°28' N., longitude 92°29' W.).

2. Designate the Waterloo transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Waterloo Municipal Airport (latitude 42°33'22" N., longitude 92°23'59" W.); within 2 miles each side of the Waterloo VORTAC 120° radial extending from the 7-mile radius area to 13 miles SE of the VORTAC; within 2 miles each side of the Waterloo ILS NW course extending from the 7-mile radius area to 10 miles NW of the OM; within 5 miles S. and 8 miles N. of the Waterloo VORTAC 078° radial extending from the VORTAC to 12 miles E. of the VORTAC;

and within 5 miles E. and 8 miles W. of the Waterloo VORTAC 200° radial extending from the VORTAC to 12 miles S. of the VORTAC; and that airspace extending upward from 1,200 feet above the surface beginning NE of Waterloo at the intersection of lines 8 miles E. and 8 miles N. of and parallel to the Waterloo VORTAC 353° and 099° radials, thence E. along the line 8 miles N. of and parallel to the Waterloo VORTAC 099° radial to the arc of a 29-mile radius circle centered on the Waterloo VORTAC, thence clockwise around this arc to 8 miles E. of the Waterloo VORTAC 353° radial, thence S. to the point of beginning; and within 6 miles NW and 8 miles SE of the Waterloo VORTAC 241° radial extending from the 29-mile arc to 36 miles SW of the VORTAC.

3. Revoke the Waterloo, Iowa, control area extension.

The proposed control zone will provide protection for aircraft departing from and executing prescribed missed approach procedures at Waterloo Municipal Airport during their climb to 700 feet above the surface. The proposed extensions to the east and south will provide protection for aircraft during their execution of the final approach courses of VOR approaches to runways 24 and 36 at Waterloo Municipal Airport. To insure adequate safety measures it is also necessary to include the Leibundguth Airport within the control zone. The proposed transition area with a floor of 700 feet above the surface will provide protection for aircraft executing departure and missed approach procedures until reaching 1,200 feet above the surface. The 700-foot transition area extensions to the NW and SE will contain the final approach courses of the VOR/DME approach procedures to runway 30 and the ADF/ILS approach procedures to runway 12, and the final transition from Shell Rock intersection. The transition area extensions to the E. and S. will provide protection for aircraft executing VOR approaches to runways 24 and 36. The proposed transition area with a floor of 1,200 feet above the surface will provide protection to aircraft while they are in the terminal area holding pattern and during their execution of the VOR/DME approach procedures to runway 30.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein but operational complexity would not be increased nor would aircraft performance or landing minimums be adversely affected.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 24, 1964.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 64-12308; Filed, Dec. 2, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-17]

TRANSITION AREA AND CONTROL ZONE

Proposed Alteration and Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to alter controlled airspace in the Rhinelander, Wis., terminal area.

The following controlled airspace is presently designated in the Rhinelander, Wis., terminal area:

The Rhinelander, Wis., transition area is designated as that airspace extending upward from 700 feet above the surface within a 12-mile radius of the Rhinelander VOR, and within a 5-mile radius of the Drott Airport (latitude 45°30'45" N., longitude 89°33'35" W.).

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Rhinelander terminal area, including studies attendant to the implementation of the provisions of Civil Air Regulations Amendments 60-21 and 60-29, proposes to take the following airspace actions.

1. Designate a control zone at Rhinelander, Wis., to comprise that airspace within a 5-mile radius of Oneida County Airport, Rhinelander, Wis. (latitude 45°37'53" N., longitude 89°27'40" W.); and within 2 miles each side of the Rhinelander VOR 321° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR; and within 2 miles each side of the Rhinelander VOR 228° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR; and within 2 miles each side of the 231° bearing from Oneida County Airport, extending from the 5-mile radius zone to 8 miles SW of the airport. This control zone shall be effective during the times established by a Notice to Airmen and continually published in the Airman's Guide or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964.

2. Alter the Rhinelander, Wis., transition area by redesignating it as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Oneida County Airport, Rhinelander, Wis. (latitude 45°37'53" N., longitude 89°27'40" W.); and within 2 miles each side of the Rhinelander VOR 321° radial extending from the 5-mile radius area to 8 miles NW of the VOR; and within 2 miles each side of the 231° bearing from Oneida County Airport, extending from the 5-mile radius area to 8 miles SW of the airport; and within 5 miles W. and 8 miles E. of the Rhinelander VOR 163° radial extending from the VOR to 17 miles S. of the VOR; and within a 5-mile radius of Drott Airport, Tomahawk, Wis. (latitude 45°30'45" N., longitude 89°33'35" W.); and that airspace extending upward from 1200 feet above the surface within a 12-mile radius of Rhinelander VOR.

Oneida County Airport, Rhinelander, Wis., meets the communications, navigation aid, and instrument approach criteria for the establishment of a control zone. The weather reporting service is to be provided by North Central Airlines. Since the hours during which this reporting service will be available depend on the airline schedules, they may be subject to change. Consequently the hours in which the control zone will be effective will be subject to change. At the present time, the weather reporting service is available from 0700 hours to 1900 hours local time daily. Any changes in these hours resulting from changes in the airline schedules will be given by Notice to Airmen and published in the Airman's Guide or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964. Normally, 30 days notice will be given of any change in the hours of operation. This control zone will provide controlled airspace for aircraft executing prescribed public and special instrument approach procedures at Oneida County Airport during the descent below 1000 feet above the surface.

Alteration of the 700-foot floor transition area would provide controlled airspace for aircraft executing prescribed public and special instrument approach procedures at Oneida County and Drott Airports for the portions of those procedures which are executed below 1500 feet above the surface. It will also provide controlled airspace for aircraft departing Drott Airport during climb from 700 to 1200 feet above the surface. It will provide the same protection for aircraft departing Oneida County Airport during the times that the control zone is not designated.

The proposed 1200 foot floor transition area would provide controlled airspace protection for the procedure turn and missed approach areas of prescribed public and special instrument approach procedures for Oneida County and Drott Airports. It would also provide controlled airspace for aircraft holding at the Rhinelander VOR.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

The floors of the airway segments which would lie within the boundaries of the transition areas proposed for designation herein would automatically coincide with the floor of the transition area.

Specific details of the changes in procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 23, 1964.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 64-12309; Filed, Dec. 2, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-64]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Designation; Supplemental Notice

The Federal Aviation Agency is considering a revised proposal with respect to designation of controlled airspace at Glasgow AFB, Montana.

In the notice of proposed rule making published in the FEDERAL REGISTER on October 23, 1964 (29 F.R. 14547), the Federal Aviation Agency proposed, in part, to designate a Glasgow AFB, Montana, transition area as that airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow AFB (latitude 48°25'00" N., longitude 106°31'40" W.); and that airspace extending upward from 1200 feet above the surface within a 35-mile radius of Glasgow AFB.

Subsequent to publication of the notice of proposed rule making, it has been determined that the recommended radius of the Glasgow AFB, Montana, transition area with a floor of 1200 feet would be inadequate for the control of aircraft. Additional area, increasing the radius of the proposed 1200-foot transition area from 35 miles to 50 miles, is necessary in order to provide adequate controlled airspace for en route turbo jet IFR penetrations, for radar vectoring, and for the protection of aircraft during the time they are holding on the 16 nautical mile arc of the Glasgow AFB TACAN.

Accordingly, the notice is amended to propose that the Glasgow AFB, Montana, transition area be designated as that airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow AFB (latitude 48°25'00" N., longitude 106°31'40" W.); and that airspace extending upward from 1200 feet above the surface within a 50-mile radius of Glasgow AFB, excluding the portion north of latitude 49°00'00" N.

Interested persons are invited to participate in the amended proposal by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received on or before December 21, 1964, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this amended notice in order to become part of the record for consideration. The proposal contained in this amended notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 24, 1964.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 64-12310; Filed, Dec. 2, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 15015; FCC 64-1083]

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Proposed Restriction of Location of Rural Subscriber Stations (Rural Radio Service) and Dispatch Stations Associated With Base Stations

Report and order. 1. The Commission, on March 21, 1963, issued a notice of proposed rule making in the above-entitled matter (28 F.R. 2992, March 27, 1964) to amend certain rules governing the Domestic Public Land Mobile Radio Service in order to restrict the location of rural subscriber stations (Rural Radio Service) and dispatch stations. It was proposed to amend paragraph (f) of § 21.509 and paragraph (a) of § 21.515 so as to limit the location of rural subscriber stations (Rural Radio Service) and dispatch stations to the reliable service areas (described by a field strength contour of 37 decibels above one microvolt per meter (37 dbu)) of their associated base stations,[1] except that communications common carriers could establish such stations in areas where a service by a similarly classified (landline or miscellaneous) carrier has not been authorized.[2]

2. The Commission on April 25, 1963, granted a petition by National Mobile Radio System and extended the time for filing comments in this proceeding to July 1, 1963.

3. Comments in this proceeding have been filed by the following:

Fresno Mobile Radio, Inc. (Fresno).
Kern Radio Dispatch (Kern).
Kidd's Communications Center (Kidd).
Mobilfone of Boston (Mobilfone).
Daryal A. Myse (Myse).
National Mobile Radio System (NMRS).
Radio Dispatch Fresno (Radio Dispatch).
United States Independent Telephone Association (USITA).

4. Negative comments were filed concerning the propriety of using the theoretical standard of "a field strength contour of 37 decibels above one microvolt per meter" for limiting the location of rural subscriber stations and dispatch

[1] Section 21.504(a) of our rules provides as follows:

"§ 21.504 *Service area of base station.* (a) The limits of reliable service area of a base station are considered to be described by a field strength contour of 37 decibels above one microvolt per meter for stations engaged in two-way communication service with mobile stations and 43 decibels above one microvolt per meter for stations engaged in one-way signaling service. Service within that area is generally expected to have an average reliability of not less than 90 percent."

[2] Miscellaneous common carriers and landline telephone carriers are the two types of carriers in the subject service.

stations. NMRS states that its membership is opposed to the proposed restrictions and that the proposed rule is not in the public interest. In fact, NMRS is sharply critical of the Commission's concern over possible adverse economic impact situations caused by fixed stations in the subject service. Kern argues that the purpose of the 37 dbu definition of service area was to estimate a station's coverage prior to construction and he claims that once the station is constructed its only limitation should be that it be dedicated to the public use and its services offered without discrimination. Radio Dispatch, Myse and NMRS declare that the 37 dbu contour specified in our rules does not establish the actual reliable service area for dispatch and rural subscriber stations since current limitations on effective radiated power, antenna height and antenna radiation pattern permit useful service by such fixed stations well beyond the 37 dbu contour of most base stations. Myse further states that "The limiting factors of field intensities varying with location and noise levels in urban areas, ordinarily applicable to service to mobile stations, are not normally applicable to rural subscriber and dispatch station locations outside of the 37 dbu contour." Therefore, Myse and NMRS conclude that the Commission's concept of service area is irrelevant to the location of such fixed stations.

5. Kern asserts that "The rulemaking requires that the carrier deny service even though the subscriber may be well within the practical definitions of 'service area of base station' § 21.1,[3] but outside the theoretical 37 dbu contour concept (see § 21.504)." Kern is also concerned about possible discrimination against subscribers outside of the theoretical reliable service area. Myse believes that the proposed restriction on the location of a rural subscriber is discriminating against those persons who can not afford or obtain wireline communications to the particular base station required. With concern for the needs of certain subscribers, Mobilfone shows that dispatch stations may be required by users whose business offices are outside of the 37 dbu contour of base stations capable of serving their mobile units, but within the 37 dbu contour of another carrier. At least in that situation, Mobilfone finds the proposed rule to be contrary to the public interest. On the same subject, Myse notes that a "subscriber may need communications to a given base station or through it to mobile stations or other rural subscriber stations even though his rural subscriber or dispatch station is located physically within the 37 dbu mobile service area of another station." He concludes that there can be no adverse economic impact on the licensee within whose mobile service area the rural subscriber or dispatch station is physically located unless such licensee is capable of rendering the required service. Radio Dispatch would expect adverse economic impact situations to "balance out."

6. Mobilfone understands that the Commission's proposal to amend § 21.515(a) would restrict the location of dispatch stations, leaving dispatch points as the only alternative in certain cases, forcing the payment of "excessive landline telephone circuit charges." Noting that the subject proposals may place upon the common carrier operator the responsibility of defining precisely several 37 dbu contours (his own and those of adjacent carriers) for each new installation, Kern complains that the proposed rule change would place a new financial burden upon carriers. On the other hand, Fresno supports the idea that a miscellaneous common carrier would receive no protection as against the establishment of a rural subscriber station within its protected contour by a telephone company, and vice versa, but suggests that the proposed rule be revised to permit dispatch and rural subscriber stations in another carrier's service area upon the written consent of that carrier. Auto-Phone does not favor a hard and fast rule but supports the Fresno approach of making an exception where a competing carrier consents. USITA would vary the proposal by permitting the establishment of rural subscriber stations anywhere within the franchised area of a telephone company, even though such fixed stations may fall within the reliable service area of another telephone company.

7. In concluding the proceedings herein we have carefully considered all the comments and suggestions filed plus other relevant information brought to our attention. These proceedings are based on the assumption that satisfactory service to fixed stations outside of the reliable service area can be rendered within the present limitations of the rules. Therefore, we shall not review the various comments designed to show the technical capabilities of systems in the Domestic Public Land Mobile Radio Service. However, we would remind all interested licensees that rural subscriber stations and dispatch stations have been authorized on a secondary basis, i.e., the pertinent frequencies have been allocated primarily for use by base stations and mobile stations in the Domestic Public Land Mobile Radio Service. In other words, considering the shortage of frequencies in the usable spectrum, we do not advocate the proliferation of remote fixed stations in this service. Nevertheless, in considering the establishment of such fixed stations, we do not intend to ignore the practical needs of potential subscribers to communications common carrier systems.

8. Comments which dwell on the lack of interest among miscellaneous common carriers in the economic protection offered by the proposed rule, supported by illustrations that the proposed rule might arbitrarily prohibit services which may well be required to satisfy the public necessity, have favorably impressed us and lead to the conclusion that there is no impelling need for the proposed restrictions now. As is shown by the various comments, the reliable service area is normally based on the calculated ability of a base station to render good service to mobile units. Therefore, the application of the same standard to point-to-point communications facilities would probably result in an unnecessary limitation on the carriers' ability to provide needed communications services. In view of the aforesaid findings, a detailed discussion of the suggestions to modify the proposed rule changes is not required.

9. It appears, therefore, that the record herein does not support the adoption of the amendments set forth in the notice of proposed rule making, and that the public interest, convenience and necessity will not be served by such amendments.

10. In accordance with the considerations set forth above: *It is ordered*, That the amendments to Part 21 of the Commission's rules as set forth in our notice of proposed rule making in this Docket are not adopted: *And it is further ordered*, That proceedings in this Docket are terminated.

Adopted: November 25, 1964.

Released: November 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-12348; Filed, Dec. 2, 1964; 8:47 a.m.]

[3] The definition of the service area of a base station found in § 21.1 of our rules is as follows:

"*Service area of base station.* The limits of reliable service area of a base station are considered to be described by the field strength contour within which the reliability of communication service is 90 percent, i.e., within the area circumscribed by such contour, nine out of every ten calls initiated by the base station can be satisfactorily received by the mobile unit."

[4] Commissioner Lee absent and Commissioner Cox dissenting.

[47 CFR Part 73]

[Docket No. 15716; FCC 64-1098]

FM BROADCAST STATIONS

Proposed Table of Assignments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Lyons, Kans.; Creston, Iowa; Ellwood City, Pa.; Scottsburg, Ind.; Natchez, Miss.; Oshkosh, Wis.; Wilmington, N.C.; McKenzie, Tenn.; Yankton, S. Dak.; Ebensburg, Pa.; Phillipsburg, Pa.; Gouverneur, and Watertown, N.Y.; Dalton, Ga.; Merkel, Tex.); Docket No. 15716, RM-654, RM-635, RM-657, RM-637, RM-658, RM-639, RM-669, RM-655, RM-648, RM-660, RM-671.

1. Notice is hereby given of proposed rule making in connection with the above-listed requests to change the Table of FM Assignments, § 73.202 of the Commission's rules. All proposals meet mileage separations.

2. RM-654, Lyons, Kans. (Ly-Kan Broadcasting Co.), RM-657, Creston, Iowa (Southwest Iowa Broadcasting Co.), RM-658, Ellwood City, Pa. (B.B.P.S. Broadcasting Co.), RM-669, Scottsburg, Ind. (Howell B. Phillips): In these four petitions, it is requested that a Class A

channel be assigned to a community not now having an FM assignment, without necessitating any other changes in the Table. In the case of Creston, the request is in the alternative. All of the communities mentioned are of substantial size, 3,800 persons or more. It appears that rule making should be instituted on the proposed additions, and comments are invited on the following:

City	Channel No.	
	Present	Proposed
Lyons, Kans.		288A
Creston, Iowa		269A or 296A
Ellwood City, Pa.		221A
Scottsburg, Ind.		265A

3. RM–648, Natchez, Miss. (Old South Broadcasting Co., Inc.), RM–671, Oshkosh, Wis. (Value Radio Corp.): Natchez, Miss. (population 23,791)[1] and Oshkosh, Wis. (population 45,110) each now has one FM channel, a Class A channel, assigned. The listed petitions, filed by AM licensees in these cities, would change the assignment situation therein without making any other changes in the Table. The Natchez petition would substitute a Class C channel (236) for the present Class A assignment; the Oshkosh request is for a second Class A assignment to that city. In view of the size of these communities, it appears that the assignments requested may be appropriate. Comment is invited on the following:

City	Channel No.	
	Present	Proposed
Natchez, Miss.	237A	236
Oshkosh, Wis.	244A	244A, 296A

4. RM–635, Wilmington, N.C.: On July 21, 1964, Dunlea Broadcasting Industries, Inc., licensee of radio Station WMFD, Wilmington, N.C., filed a petition requesting the addition of Channel 265A to Wilmington. This community has been assigned two Class C channels, 247 and 260. A construction permit has been issued for a new station on Channel 260 at Burgaw, N.C. (under the 25-mile rule) but no application has been filed as yet for Channel 247. Wilmington has a population of 44,013. It has four standard broadcast stations, one of which is a daytime-only station. Dunlea urges that a modest investment on a Class A channel will be more economically feasible and appropriate in the Wilmington market. It states that it has available low-power equipment formerly used in FM operation and that it is willing to serve Wilmington and the neighboring areas with station built and operated on a modest cost basis. Finally, Dunlea submits that Channel 265A may be assigned without adversely affecting any other station or assignment.

5. The above proposal would assign a Class A channel along with Class C channels at Wilmington. In the past, except where necessary, generally we have tried not to mix Class A and Class B or C assignments in the same community because of the competitive inequality which might result between stations on these channels. Comments are invited as to whether this consideration should apply in the situations covered herein. We are of the view that rule making should be instituted on petitioner's proposal, and invite comments on the following:

City	Channel No.	
	Present	Proposed
Wilmington, N.C.	247, 260	247, 260, 265A

6. RM–637, McKenzie, Tenn. On July 28, 1964, The Tri-County Broadcasting Co., Inc., licensee of radio Station WHDM, McKenzie, Tenn., filed a petition requesting the assignment of Channel 269A to McKenzie. McKenzie is a community of 3,780 and has one FM assignment, Channel 295 on which Station WKTA operates. The sole radio station, WHDM, is a daytime-only station. Tri-County recites its past unsuccessful efforts to obtain an FM license in McKenzie. It urges that McKenzie needs the proposed FM assignment and that the proposal conforms to all the rules and policies of the Commission.

7. It is by no means apparent that the making of a second FM assignment, even a limited-coverage Class A assignment, to a community of this size is warranted. This is particularly true since it appears that there are larger communities in the area with no FM assignments, such as Martin, Tenn., where use of Channel 269A would be technically feasible. We are of the view that assignment of this channel in the general area is warranted, but not necessarily to McKenzie. Comments are invited on its use at Martin, McKenzie, or elsewhere where it can meet mileage separations as follows:

City	Channel No.	
	Present	Proposed
Martin, Tenn.		269A
or		
McKenzie, Tenn.	295	269A, 295

Under the circumstances present here, the Commission will not necessarily be governed by the expression of immediate interest in the channel at McKenzie.

8. RM–639, Yankton, S. Dak.: On August 4, 1964, Bi-States Co., licensee of KRNY–FM, Kearney, Nebr., filed a petition requesting the substitution of Channel 281 for 255 at Yankton, S. Dak. The purpose of the proposal is to remove a short spacing between a proposed site for KRNY–FM on Channel 255 and the co-channel assignment at Yankton, in order to permit a change in location for KRNY–FM and an improvement in its coverage. There is no application on file for Channel 255 at Yankton. Bi-States submits that it presently operates KRNY–FM from a site near Axtell, Nebr. but that it proposes to move its site to that of its TV station near Lowell, Nebr. in order to improve service to the large rural area and sparsely populated areas which it serves and to save the expense of two operating locations. It points out that there would result a shortage of about 9 miles with the co-channel Yankton assignment. It suggests, therefore, that Channel 281 be substituted for 255 and shows that this new assignment is technically feasible.

9. The Commission is of the view that rule making should be instituted on the petitioner's proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Yankton, S. Dak.	255, 262	262, 281

10. RM–655, Ebensburg, Pa.: On September 15, 1964, Cambria County Broadcasting Co., Inc., licensee of Station WEND–FM, on Channel 280A at Ebensburg, Pa., filed a petition requesting rule making looking toward the substitution of Class B Channel 256 for 280A at Ebensburg and the substitution of Channel 280A for 257A at Phillipsburg, Pa. Petitioner submits that Ebensburg has a population of 4,111 and Cambria County, in which it is located, has a population of 203,283; that this county has only one Class B assignment at Johnstown, the largest city in the county; and that, from the point of view of business activity, the area deserves two Class B facilities. Cambria also asserts that such a facility might very well serve as a vital link in the Pennsylvania State Defense Network. There is an application on file for Channel 257A at Bellwood, Pa., which is within 25 miles of Phillipsburg and so is eligible to file for this assignment. In the event the instant proposal is adopted, this application would have to be amended to specify Channel 280A.

11. In a rule making proceeding proposing various changes in the FM Table of Assignments, Docket No. 15542, it was proposed to remove a short spacing between Connellsville, Pa. and WEND–FM at Ebensburg, both on Channel 280A, by making the following changes: Connellsville, delete Channel 280 and assign Channel 252A; Uniontown, Pa., delete Channel 252A and assign Channel 280A; and New Martinsville, W. Va., delete Channel 280A. Cambria urges that its proposal would obviate the need for the proposal outstanding in Docket No. 15542, since Channel 280A could be retained in Connellsville if it is deleted from Ebensburg as proposed by Cambria, and this would permit the retention of a Class A assignment in New Martinsville. Cambria also requests that the Commission modify its license for WEND–FM to specify operation on Channel 256 in lieu of 280A in the event the proposal is adopted.

[1] All population figures herein are 1960 U.S. Census figures.

12. We are of the view that the proposal warrants rule making and are inviting comments on the following: [2]

City	Channel No.	
	Present	Proposed
Ebensburg, Pa.	280A	256
Phillipsburg, Pa.	257A	280A

13. RM-660. Gouverneur, N.Y.: On September 18, 1964, Genkar, Inc., licensee of radio Station WIGS, Gouverneur, N.Y., filed a petition requesting the assignment of one of a number of Class C FM assignments to Gouverneur. Gouverneur is a community of 4,946 persons located in northern New York about 20 miles from the Canadian-U.S. border. It has a local radio station licensed to petitioner but no FM assignment. Petitioner recognizes that any assignment in this region must conform to the separation requirements in the Working Arrangement of 1963 which has been concluded between the United States and Canada under the terms of the Canadian-United States FM Agreement of 1947. While petitioner shows that all of its alternative proposals meet the domestic rules, no such information is given with respect to the Canadian border stations and assignments.

14. There are no assignments which can be made to Gouverneur in conformance with our rules and the Working Arrangement of 1963. However, Channel 224A may be shifted from Watertown, N.Y., provided the Canadian authorities are disposed to make changes in Canadian cities to accommodate this change. The Canadian Government has indicated a willingness to make the necessary changes. Watertown has a population of 33,306 persons. It has a Class C FM assignment in addition to three standard broadcast stations, including two unlimited time stations. We invite comments therefore on the following proposal:

City	Channel No.	
	Present	Proposed
Gouverneur, N.Y.		224A
Watertown, N.Y.	224A, 248	248

15. Changes on the Commission's own motion: It has come to our attention that the assignment of Channel 252A to Dalton, Ga., does not meet the required spacing to the adjacent channel assignment of Channel 253 in Atlanta and to a co-channel assignment at Scottsboro, Ala. Channel 252A at Dalton would be only about 75 miles from Station WSB-FM on Channel 253 at Atlanta, whereas the required spacing is 105 miles. In view of these short spacings, we are proposing to delete the entry for Dalton, Ga., from the Table. Likewise, the assignment of Channel 240A was erroneously made to Merkel, Tex. We are therefore inviting comments on the following substitution for this assignment:

City	Channel No.	
	Present	Proposed
Merkel, Tex.	240A	272A

16. All of the assignments proposed herein which are within 250 miles of the U.S.-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963.

17. Authority for the adoption of the amendments proposed herein is contained in sections 4(1), 303, and 307(b) of the Communications Act of 1934, as amended.

18. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before December 28, 1964, and reply comments on or before January 7, 1965. All submissions by parties to this proceeding or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

19. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: November 25, 1964.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12375; Filed, Dec. 2, 1964; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 15717 (RM-677); FCC 64-1100]

FM BROADCAST STATIONS

Proposed Table of Assignments for Urbana, Ill.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition for rule making (RM-677) filed on October 30, 1964, by The Illini Publishing Co., an applicant for a new FM station in Urbana, Ill., requesting the assignment of Channel 296A to Urbana in addition to the presently assigned Channel 280A. At the present time there are two applications on file for the sole FM channel assigned to Urbana, BPH-4278 filed by the petitioner, and BPH-4612 filed by Robert E. Durst. These mutually exclusive applications have not yet been designated for comparative hearing.

3. Illini submits that Urbana, the county seat of Champaign County, has a population of 27,294, and has two daytime-only AM stations in operation, and that nearby Champaign has a population of 49,583 and has one local AM station and two FM stations in operation. The population of the Champaign-Urbana metropolitan area is 132,436. Petitioner urges that the proposed additional assignment can be made without disturbing any existing station or assignment; that the priorities announced by the Commission in Docket No. 14185 would justify the requested assignment because it would make possible two commercial assignments in a community of sufficient size to support such stations; and that it would facilitate the provision of this service without delay.

4. We are of the view that rule making should be instituted on the subject petition in order that all interested parties maysubmit their views and relevant data. Comments are therefore invited on the following:

City	Channel No.	
	Present	Proposed
Urbana, Ill.	280A	280A, 296A

5. Authority for the adoption of the amendments proposed herein is contained in sections 4(1), 303, and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before December 28, 1964, and reply comments on or before January 7, 1965. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: November 25, 1964.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12349; Filed, Dec. 2, 1964; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 15689; RM-554]

FM BROADCAST STATIONS

Proposed Table of Assignments for Austin and Wichita Falls, Tex.; Order Extending Time To File Comments

1. Radio Wichita Falls, Inc., licensee of radio station KNTO(FM) Wichita Falls, Tex., has requested that the time for filing comments in this proceeding, which the notice of proposed rule making

[2] Comments are also invited on the issue of whether Ebensburg merits a departure in our policy of assigning Class B channels to large cities and metropolitan areas and Class A channels to smaller communities.

[3] Commissioner Hyde absent.

[1] Commissioner Hyde absent.

adopted November 4, 1964 (FCC 64–1021) set as December 14 and 30, 1964 for comments and reply comments, respectively, be extended for 90 days.

2. Radio Wichita Falls, Inc., submits that while discussions have been held with the petitioner in this proceeding, Jim Gordon, Inc., concerning the proposed changes in assignments in Wichita Falls, a copy of the petition filed with the Commission was not served on it. Radio Wichita states that it needs 90 days from the present date in which to file a formal reply to the Jim Gordon petition and to develop detailed figures as to the cost of changing channel assignment.

3. We are of the view that an extension of time to file comments and reply comments is warranted in this case. However, we believe that an additional 30 days from the previously specified dates should be sufficient.

4. *Accordingly, it is hereby ordered,* That the time for filing comments in this proceeding is extended to and including January 14, 1965. *It is further ordered,* That the time for filing reply comments is extended to and including February 1, 1965.

5. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: November 23, 1964.

Released: November 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–12350; Filed, Dec. 2, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 98]

DISTRICT DIRECTORS OF INTERNAL REVENUE AND DIRECTOR OF INTERNATIONAL OPERATIONS

Delegation of Authority To Extend Time for Filing Returns and Other Documents

Pursuant to the authority transferred to the Commissioner of Internal Revenue by Treasury Department Order No. 150–62 dated October 26, 1964, District Directors of Internal Revenue and the Director of International Operations are hereby authorized to grant extensions of time to file any return, declaration, statement or other document required by Chapter 41 of the Internal Revenue Code as added by the Interest Equalization Tax Act, pursuant to section 6081 of such Code, such extensions not to exceed six months from the due date.

Date of issue: November 18, 1964.

Effective date: November 18, 1964.

[SEAL] BERTRAND M. HARDING,
Acting Commissioner.

[F.R. Doc. 64–12374; Filed, Dec. 2, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[Bureau of Mines Manual, Minerals Research Release No. BM–MR–4]

MINERALS RESEARCH

Redelegation of Authority

The following redelegation is a portion of the Bureau of Mines Manual and the numbering system is that of the Manual.

PART 200—BUREAU OF MINES DELEGATIONS

200.3.3 *Redelegation of Authority—Procedure.* Redelegation of authority in Minerals Research usually follows a standard pattern: from the Assistant Director, to Directors of Research, and then to Research Directors and Chiefs of Independent Laboratories. Thus, for purposes of simplification, where this standard pattern is followed, this part and chapter will be referenced and no listing of officials will be given. The "standard" delegation is:

A. Assistant Director to:
(1) Director of Coal Research
(2) Director of Metallurgy Research
(3) Director of Mining Research
(4) Director of Petroleum Research

B. and, from Director of Coal Research to:
(1) Research Director, Anthracite Research Center
(2) Research Director, Explosives Research Center
(3) Research Director, Morgantown Coal Research Center
(4) Research Director, Pittsburgh Coal Research Center
(5) Chief, Denver Coal Research Laboratory
(6) Chief, Grand Forks Lignite Research Laboratory
(7) Chief, Seattle Coal Research Laboratory

C. and, from Director of Metallurgy Research to:
(1) Research Director, Albany Metallurgy Research Center
(2) Research Director, College Park Metallurgy Research Center
(3) Research Director, Minneapolis Metallurgy Research Center
(4) Research Director, Reno Metallurgy Research Center
(5) Research Director, Rolla Metallurgy Research Center
(6) Research Director, Salt Lake Metallurgy Research Center
(7) Research Director, Tuscaloosa Metallurgy Research Center

D. and, from Director of Mining Research to:
(1) Research Director, Denver Mining Research Center
(2) Research Director, Minneapolis Mining Research Center
(3) Research Director, Pittsburgh Mining Research Center
(4) Chief, Applied Physics Laboratory, College Park
(5) Chief, Spokane Mining Research Laboratory

E. and, from Director of Petroleum Research to:
(1) Research Director, Bartlesville Petroleum Research Center
(2) Research Director, Laramie Petroleum Research Center
(3) Chief, Morgantown Petroleum Research Laboratory
(4) Chief, San Francisco Petroleum Research Laboratory

Where other than the "standard delegation" occurs, it will be clearly so indicated. Restrictions of any delegation will be so noted.

205.11.1 *Procurement and Contracting—Formally Advertised Contracts.* The authority in 205 BM 11.1 but limited to amounts not to exceed $25,000 for any one contract, is delegated to the following officials:

See Paragraph 200 MR 3.3

Authority to enter into contracts exceeding $25,000 must be requested from the Assistant Director—Minerals Research through the appropriate Director of Research. Requests for approval may be submitted via teletype, memorandum, or requisition.

The authority delegated herein shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior and the Bureau of Mines.

As a service in accomplishing procurement actions, the Chiefs, Eastern and Western Administrative Offices, may exercise their separately delegated contracting authorities of this paragraph in fulfilling Minerals Research requirements when requested by the appropriate official listed in paragraph 200 MR 3.3, but limited to amounts delegated to the requesting official.

205.11.4 *Negotiated Contracts.* The authority to enter into negotiated contracts under section 302(c)(3) of the Federal Property and Administrative Services Act of 1949, as amended (purchases not in excess of $2,500), is delegated to the following officials:

See paragraph 200 MR 3.3.

The authority delegated herein shall be exercised in accordance with the applicable limitations as outlined in 205 MR 11.1 above.

As a service in accomplishing procurement actions, the Chiefs, Eastern and Western Administrative Offices, may exercise their separately delegated negotiating authority in fulfilling Minerals Research requirements when requested by the appropriate official listed in paragraph 200 MR 3.3, but limited to amounts not to exceed $25,000 for any one contract, unless prior approval has been obtained from the Assistant Director—Minerals Research.

JOE B. ROSENBAUM,
Acting Assistant Director, Minerals Research.

[F.R. Doc. 64–12342; Filed, Dec. 2, 1964; 8:47 a.m.]

Office of the Secretary

OFFICE OF TERRITORIES

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 250—OFFICE OF TERRITORIES

CHAPTER 4—DIRECTOR, OFFICE OF TERRITORIES

Section 250.4.3 *Territorial Submerged Lands.* The Director, Office of Territories, is authorized to exercise the authority of the Secretary of the Interior pursuant to section 2.(a) of Public Law 88–183, approved November 20, 1963. This authority is for the administration of certain submerged lands while they remain in Federal ownership. Included in such authority is the right to grant revocable permits to parties wishing to occupy such lands temporarily, to remove sand, gravel, or coral, or to fill such

lands. No authority to grant any interest in real property is involved.

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 18, 1964.

[F.R. Doc. 64-12345; Filed, Dec. 2, 1964; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

POLK COUNTY AUCTION CO., ET AL.

Posted Stockyards

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 were therefore, subject to the Act, 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; Date of Posting

ARKANSAS

Polk County Auction Co., Mena, Nov. 4, 1964.

CALIFORNIA

Brawley Auction Co., Brawley, Oct. 14, 1964.

IOWA

Monticello Sale Barn, Monticello, Oct. 13, 1964.

Rubey Auction Co., Red Oak, Oct. 13, 1964.

LOUISIANA

Joe Tate Commission Barn, Inc., Lebeau, Oct. 15, 1964.

MARYLAND

Bar-F Stables, Inc., formerly Horse City, Inc., Manchester, Oct. 21, 1964.

NEBRASKA

College View Live-Stock Commission Co., Lincoln, Nov. 9, 1964.

NEW YORK

Finger Lakes Livestock Market, Inc., Canandaigua, Oct. 29, 1964.

OKLAHOMA

Madill Stockyards, Madill, Nov. 6, 1964.

PENNSYLVANIA

Sechrist Sales Company, Inc., South of Stewardstown (Mailing address P.O. Box 176, Fawn Grave, Oct. 14, 1964.

Done at Washington, D.C., this 27th day of November 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-12366; Filed, Dec. 2, 1964; 8:48 a.m.]

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 181.1, the lists (29 F.R. 9509, 11133, 12406, 13435 and 14647) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to sheep with respect to Pahler Packing Corp., establishment 880, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour & Co.	2AU	X		X			
Armour & Co.	2WN	X	X				
Glasto, Inc.	57	X					
Gooch Packing Co., Inc.	61	X				X	
Ideal Packing Co.	135	X					
Carr Packing Co., Inc.	160	X	X				
Kent Provision Co., Inc.	187	X					
Parnett Packing Co.	283	X					
Fairbank Farms, Inc.	492	X	X			X	
Castle Brand, Inc.	816	X					
Shamrock Beef Co.	987	X					
James Sausage Co.	1718					X	
Shannon Packing Co.	1758	X					
New establishments reporting: 13.							
Armour & Co.	40			X			
Tobin Packing Co., Inc.	133	X					
DeKalb Packing Co.	170		X				
Party Packing Corp.	902			X	X		
Species added: 5.							

Done at Washington, D.C., this 24th day of November 1964.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 64-12235; Filed, Dec. 2, 1964; 8:45 a.m.]

Office of the Secretary

NORTH DAKOTA

Extension of Period for Emergency Loans

For the purpose of extending the period within which the emergency loans may be made pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Richland County, North Dakota the natural disasters for which the county is presently designated (28 F.R. 12379) and subsequent natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 30th day of November 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-12384; Filed, Dec. 2, 1964; 8:50 a.m.]

STATEMENT OF ORGANIZATION AND DELEGATIONS

SECTION 1. *Establishment of the Department.* The Department of Agriculture was created by Act of Congress approved May 15, 1862 (12 Stat. 387). Until 1889 it was administered by a Commissioner of Agriculture. By Act of February 9, 1889 (25 Stat. 659), the powers and duties of the Department were enlarged. It was made the eighth executive Department in the Federal Government, and the Commissioner became the Secretary of Agriculture.

SEC. 2. *Authority of the Secretary to prescribe regulations.* The general authority of the Secretary to direct the work of the Department is based, among other sources, on section 161, Revised Statutes (derived from an Act of July 27, 1789, and other acts establishing the executive departments), which provides that:

> The head of each Department is authorized to prescribe regulations, not inconsistent with law, for the Government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it. This section does not authorize withholding information from the public or limiting the availability of records to the public (5 U.S.C. 22).

SEC. 3. *Staff of the Secretary.* The work of the Department is supervised

and directed by the Secretary, who is assisted by the Under Secretary, three Assistant Secretaries, the Assistant Secretary for Administration, the General Counsel, the Inspector General, the Director of Agricultural Economics, the Director of Science and Education, necessary assistants to the Secretary, and the Judicial Officer.

AUTHORITY AND FUNCTIONS OF GENERAL OFFICERS, THE UNDER SECRETARY AND EACH ASSISTANT SECRETARY OF AGRICULTURE

SEC. 10. *Delegation of authority to perform all duties and exercise all powers and functions of Secretary of Agriculture*—a. *General delegation.* Pursuant to the authority vested in the Secretary of Agriculture by Reorganization Plan No. 2, 1953, and subject to the provisions of paragraph c hereof, there is hereby delegated to the Under Secretary of Agriculture and each Assistant Secretary of Agriculture, severally, the authority to perform all duties and to exercise all the powers and functions which are now, or which may hereafter be, vested in the Secretary of Agriculture. The authority herein conferred upon each of the Assistant Secretaries of Agriculture will be exercised by each of such officers in connection with the functions of the agencies assigned to his direction and supervision, except when it may be necessary that he act otherwise because any other Assistant Secretary is absent or otherwise unavailable. The authority granted hereunder may also be exercised in the discharge of any additional functions which the Secretary of Agriculture may assign.

b. *Assistant Secretary for Administration.* There is hereby delegated to the Assistant Secretary for Administration the authority to perform all duties and to exercise all the power and functions which are now, or which may hereafter be vested in the Secretary of Agriculture in connection with the functions of the agencies assigned to his direction and supervision and any additional functions which the Secretary of Agriculture may assign to him.

c. *Limitations.* This order shall not be construed to confer upon any officer named herein the authority of the Secretary of Agriculture to prescribe such regulations as may be necessary pursuant to section 8c(15)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608c(15)(A)).

d. *New principles to be approved.* The determination of any matter by any of the officers named herein which requires the application of new principles or a departure from principles heretofore announced by the Secretary of Agriculture shall be brought to the attention of the Secretary for approval.

e. *Secretary not precluded from exercising delegated powers.* The provision of this order shall not preclude the Secretary of Agriculture from exercising any of the powers and functions or from performing any of the duties herein conferred. (See section 22 hereof.)

DELEGATIONS OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

SEC. 20. *Authority.* The delegations in this document are made pursuant to authority vested in the Secretary of Agriculture by section 161, Revised, Statutes (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953 as well as all other statutes and prior Reorganization Plans vesting authority in the Secretary of Agriculture with regard to the functions of the Department of Agriculture.

SEC. 21. *General purpose.* The purpose of this document is to provide as nearly as may be a general and concise authority under which the agencies of the Department are vested with authorities adequate to the discharge of their responsibilities. As a result of the terms of Reorganization Plan No. 2 the Secretary of Agriculture is enabled to provide the subordinate officers and units of the Department with such delegations and assignments as he finds are necessary or desirable in relation to the functions performed.

SEC. 22. *Relation to Office of Secretary.* No delegation or authorization prescribed in this document shall preclude the Secretary from exercising any of the powers or functions or from performing any of the duties conferred herein and any such delegations or authorizations is subject at all times to withdrawal or amendment by the Secretary. No delegation or authorization prescribed in this document shall preclude the exercise of any delegation or authorization otherwise provided to the Under Secretary, Assistant Secretaries, Assistant Secretary for Administration, Director of Agricultural Economics; Director of Science and Education, or to the staff agencies as provided in section 32b hereof.

SEC. 23. *Authority and responsibility of agency heads*—a. *Responsibility to the Secretary.* The delegations contained in this document are made pursuant to the general responsibility of the Secretary to the President and to the Congress for the Administration of the Department. The head of each agency (1) will maintain close working relationships with the officer to whom he reports, (2) will keep him advised with respect to major problems and developments, and (3) will discuss with him proposed actions involving major policy questions or other important considerations or questions, including matters involving relationships with other agencies of this Department, other Federal agencies, or other governmental or private organizations or groups.

(b) *Responsibility for coordination of policies and operations.* It is the responsibility of each agency to consult and cooperate with other Department agencies when its activities relate to, affect, or are affected by the work of these agencies and to see that its policies, programs, and operations are coordinated with theirs, to the end that the Department operates with maximum unity and effectiveness.

c. *Responsibility for efficient operation.* Agency heads, having broad authority to carry on the functions of their agencies, are responsible for seeing that the work of their agencies is efficiently administered and that the public obtains the fullest possible benefit for the funds expended. To accomplish these objectives and to insure that the maximum possible improvements in programs and operations are achieved, agency heads should see that periodic reviews are conducted as required by Executive Order 10072 and 5 U.S.C. 1151.

SEC. 24. *Status of prior authorizations and delegations.* All delegations and authorizations of the Secretary affecting the subject matter of this document or in conflict with the provisions of section 116 are hereby rescinded except where reserved or otherwise expressly recognized by reference in this document. However, any regulation, order, authorization, or similar instrument, heretofore issued by the Secretary shall remain in full force and effect, excepting that any delegations or authorizations contained therein shall be construed to conform to the assignments made in this document. Also, any regulation order, authorization, or similar instrument including delegations of authority heretofore issued pursuant to any secretarial delegation or authorization by any other officer of the Department shall continue in full force and effect unless and until withdrawn or superseded pursuant to authority granted in this document. Nothing in this document shall be construed to disturb other regulations or instructions governing the general conduct of officers and employees of the Department or providing for the orderly handling of correspondence and communications.

GENERAL DIRECTION AND SUPERVISION

SEC. 30. *Service agencies.* The service agencies of the Department of Agriculture are under the general direction and supervision of the officers to whom they report, as follows:

a. Reporting to the Under Secretary:

Agricultural Stabilization and Conservation Service (including Commodity Credit Corporation functions assigned in accordance with Commodity Credit Corporation bylaws).
Federal Crop Insurance Corporation.

b. Reporting to the Assistant Secretary for International Affairs:

Foreign Agricultural Service.
International Agricultural Development Service.

c. Reporting to the Assistant Secretary for Marketing and Consumer Services:

Agricultural Marketing Service.
Commodity Exchange Authority.

d. Reporting to the Assistant Secretary for Rural Development and Conservation:

Office of Rural Areas Development.
Farmer Cooperative Service.
Farmers Home Administration.
Forest Service.
Rural Electrification Administration.
Soil Conservation Service.

e. Reporting to the Director of Agricultural Economics, who is responsible for the coordination of all statistical and

related economic analysis work of the Department:

Economic Research Service.
Statistical Reporting Service.

f. Reporting to the Director of Science and Education, who is responsible for the coordination of research activities throughout the Department:

Agricultural Research Service.
Cooperative State Research Service.
Federal Extension Service.
National Agricultural Library.

SEC. 31. *Staff agencies.* The Staff agencies of the Department of Agriculture are under the general direction and supervision of the Secretary and the Assistant Secretary for Administration, as follows:

a. Reporting to the Secretary:

Office of the General Counsel.
Office of the Inspector General.

b. Reporting to the Assistant Secretary for Administration:

Office of Budget and Finance.
Office of Hearing Examiners.
Office of Information.
Office of Management Appraisal and Systems Development.
Office of Personnel.
Office of Plant and Operations.
Office of Management Services.

SEC. 32. *Staff and service agencies.* a. The functions of the Staff agencies are prescribed particularly in the Administrative Regulations Chapter 3.

b. Delegations and authorizations to Service Agencies shall be subject to such delegations and authorizations as are granted to staff agencies by the Administrative Regulations or otherwise.

ORGANIZATION AND FUNCTIONS OF DEPARTMENT AGENCIES DELEGATIONS OF AUTHORITY TO AGENCY HEADS

SEC. 40. *General delegations.* The head of each agency shall, under the general direction and supervision of the Secretary of Agriculture and the Under Secretary, and the Assistant Secretary, the Assistant Secretary for Administration, the Director of Agricultural Economics, or the Director of Science and Education to whom is assigned the general direction and supervision of his agency, direct and supervise the activities of the employees of his agency. Subject to any reservation of authority contained in the assignment of functions to the individual agency, or otherwise reserved in the Administrative Regulations, the head of any agency is hereby delegated authority to take any action, including the authority to execute any document, authorize any expenditure, and promulgate any rule, regulation, order or instruction, required by law or deemed by him to be necessary and proper to the discharge of the functions assigned to his agency. The head of any such agency may, consistent with and with due regard to his personal responsibility for the proper discharge of the functions assigned to his agency, delegate and provide for the redelegation of his authority to appropriate officers and employees. Reservations of authority to the Secretary are subject to the provisions of section 10.

AGRICULTURAL MARKETING SERVICE

SEC. 110. *Assignment of Functions.* The following assignment of functions is hereby made to the Agricultural Marketing Service:

a. Payments to State Departments of Agriculture in connection with cooperative marketing service projects under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)).

b. Transportation activities under section 201 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291) and section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)).

c. Programs provided for in the Department of Agriculture Appropriation Act for 1954 under the heading "Marketing Services" and under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), except as otherwise assigned in this document.

d. Marketing agreement and order programs for all commodities as authorized under sections 8b and 8c of the Agricultural Adjustment Act (of 1933), as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608b, 608c). The functions under section 8e of the Agricultural Adjustment Act (of 1933), as added August 28, 1954, and amended (7 U.S.C. 608e–1).

e. Designation of Market Administrators and Committees administering marketing agreement and order programs.

f. Functions relating to domestic food distribution including the school lunch program, special milk program, administration of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) as supplemented by public law 165, 75th Congress (15 U.S.C. 713c), the administration of clause (3) of section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), except the declaration and selection of commodities available for distribution, and working with the Office of Emergency Planning on problems of emergency food supply and distribution. In carrying out these functions, the Agricultural Marketing Service shall, to the extent practicable, use the commodity procurement, handling, payment and related services of the Agricultural Stabilization and Conservation Service.

g. The Perishable Agricultural Commodities Act (7 U.S.C. 499a–499r).

h. Export Apple and Pear Act (7 U.S.C. 581–589).

i. Produce Agency Act (7 U.S.C. 491–497).

j. Poultry Products Inspection Act (71 Stat. 441).

k. The Export Grape and Plum Act of September 2, 1960.

l. Food Stamp Act of 1964 (P.L. 88–525).

SEC. 111. *Reservations.* a. *Reservations to the Secretary.* (1) Final action on regulations under the Agricultural Marketing Agreement Act (7 U.S.C. 610(c)) as modified by E.O. 10199.

(2) Issuance, amendment, termination or suspension of any marketing agreement or order or any provision thereof.

b. *Reservations to the Judicial Officer.* (1) Final action in reparation proceedings, in section 5 cases under the Grain Standards Act, and in proceedings pursuant to sections 7 and 8 of the Administrative Procedure Act, except orders in rule-making under the Agricultural Marketing Agreement Act of 1937.

AGRICULTURAL RESEARCH SERVICE

SEC. 115. *Assignment of functions.* The following assignment of functions is hereby made to the Agricultural Research Service.

a. The following research programs: Production and utilization (except forestry) research, including research under Title I of the Research and Marketing Act of 1946 (7 U.S.C. 427 et seq.); soil conservation, except the national soil survey; grass, and control of undesirable plants; range management (except as otherwise assigned in this document); cotton ginning and processing; under section 7(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98f); under the Housing Act of 1949 (42 U.S.C. 1471 et seq.).

b. The research, investigations, inspections, experimentations, demonstrations, development work, service and regulatory work, and control and eradication of insects, plant and animal pests and diseases provided for under the heading "Agricultural Research Administration" in the Department of Agriculture Appropriation Act of 1954 (except forest pests and diseases); and the following services conducted under sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624): inspection and certification, and standardization incidental thereto, of food for dogs, cats and other carnivora, of animal byproducts not capable of use as human food, and of human food articles derived wholly or in part from meat, meat byproducts or meat food products and not subject to the Federal meat inspection laws but for which the mark of Federal meat inspection is requested, identification service for federally inspected meat, meat byproducts and meat food products, contract specification work in processing departments of federally inspected meat plants, and certification service for livestock products for export for human food purposes.

c. Administration of the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 135–135k).

d. Administration of the Virgin Islands agricultural research and extension service program (48 U.S.C. 1409m–1409o).

e. Eradication of foot-and-mouth and other contagious diseases of animals and poultry.

f. Hog Cholera Serum and Virus Marketing Agreement Act (7 U.S.C. 851–855).

g. All administrative functions on behalf of the Secretary relating to the acquisition and administration of patent rights.

h. Administration of the provisions of section 408(*l*) of the Federal Food, Drug, and Cosmetic Act, as added by section 3 of the Act of July 22, 1954 (Public Law 518, 83d Congress), providing for certification with respect to certain pesticide chemicals for which tolerances or exemptions are sought.

i. The use, administration and disposition under Title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1012) and the related provisions of Title IV thereof of lands which have heretofore been transferred or which hereafter may be transferred by agreement between the interested agencies with the approval of the Assistant Secretary.

j. Administration of the Federal Plant Pest Act of May 23, 1957 (P.L. 85–36).

k. All administrative functions on behalf of the Secretary relating to radiological safety within the Department, including control of the acquisition, use and disposition, from the standpoint of radiological safety, of all materials and equipment which are sources of actual and potential radiation hazard.

l. Administration of sections 4 and 5 of the Humane Slaughter Act (Public Law 85–765).

m. Coordination of all foreign translation activities in the Department, including liaison with the National Science Foundation and other Government agencies on all matters pertaining to this program except as reserved to the National Agricultural Library and the Office of Budget and Finance, as provided in 1 AR 990.

n. Administration and coordination of a foreign contracts and grants program of market development research in the physical and biological sciences but excluding agricultural economics research under section 104(a) of the Agricultural Trade and Development Act of 1954 as amended (P.L. 480, 83rd Congress); and a foreign contracts and grants program of agricultural and forestry research, under section 104(k) of such Act, in cooperation with the Economic Research Service, Statistical Reporting Service, and Forest Service in their respective areas of responsibility. Foreign activities under this assignment are subject to the coordinating responsibilities of the Foreign Agricultural Service.

o. Authority to make grants under the provisions of P.L. 85–934 (42 U.S.C. 1891–1893) for the support of basic scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research, and administration of responsibilities related thereto.

p. Marketing research other than statistical and economic research, but including evaluations of related costs and physical efficiency in the postharvest handling of agricultural products.

q. Research on off-farm handling, transportation and storage of agricultural products, including investigations of insect infestations of off-farm stored products, but excluding economic research related thereto other than costs and efficiency evaluations.

r. Administration of the provisions of the Act of July 2, 1962 (Public Law 87–518; 21 U.S.C. 134–134h).

SEC. 116. *Reservations*—a. *Reservations to the Secretary.* (1) Final action on regulations under the Hog Cholera Serum and Virus Marketing Agreement Act, previously requiring approval of the President.

(2) The issuance, amendment, termination or suspension of any marketing agreement or order or any provision thereof.

(3) Determination as to the measure and character of cooperation with Mexico in the Foot and Mouth Disease Program pursuant to section 1 of the Act of February 28, 1947 (21 U.S.C. 114b), the designation of members of advisory committees, and the appointment of Commissioners on any joint commission with the Government of Mexico set up under such Program.

(4) Approval of requests for apportionment of reserves for emergency outbreaks of insect pests and plant diseases.

(5) Determination of emergencies in connection with the eradication of foot and mouth disease and other contagious diseases of animals and poultry.

(6) Designation of members of advisory committees under Title III of the Research and Marketing Act (7 U.S.C. 1628–1629) and under the Humane Slaughter Act (7 U.S.C. 1905).

(7) The determination that an extraordinary emergency exists because of the outbreak of any dangerous, communicable disease of livestock or poultry anywhere in the United States and that such outbreak threatens the livestock or poultry of the United States, under section 2(b) of the Act of July 2, 1962 (Public Law 87–518; 21 U.S.C. 134a(b)).

b. *Reservations to the Judicial Officer.* (1) Final action in proceedings pursuant to sections 7 and 8 of the Administrative Procedure Act, except orders in rule-making proceedings under the Hog Cholera Serum and Virus Marketing Agreement Act.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SEC. 120. *Assignment of functions.* The following assignment of functions is hereby made to the Agricultural Stabilization and Conservation Service:

a. Farm marketing quota and acreage allotment programs.

b. Administration of the Sugar Act (7 U.S.C. 1100–1183).

c. Foreign assistance commodity procurement and supply.

d. (1) Livestock Feed Program (P.L. 86–299, 73 Stat. 574).

(2) Emergency Feed Program, Disaster Relief Feed Grain Programs and Distress Programs (Section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427); and P.L. 875, 81st Cong., as amended (42 U.S.C. 1855)).

(3) Emergency Conservation Program (P.L. 85–58, as amended by P.Ls. 85–170 and 85–766 (71 Stat. 177, 71 Stat. 426, 72 Stat. 864)).

(4) Grazing on Conservation Reserve (P.L. 540, 84th Cong. (7 U.S.C. 1831(a) and 1821(a))).

e. Administration of the International Sugar Agreement.

f. Administration of the International Wheat Agreement.

g. Special feed grain and wheat stabilization programs (16 U.S.C. 590p (c) and (d), and section 124 of P.L. 87–128).

h. Price support programs, except the administration of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) as supplemented by Public Law 165, 75th Congress (15 U.S.C. 713c) as assigned to Agricultural Marketing Service.

i. Procurement, handling, payment, and related services for section 32 purchase and export payment programs and for purchases under section 6 of the National School Lunch Act for the Agricultural Marketing Service, to the extent practicable.

j. Commodity domestic sales programs, and other commodity disposal programs except as assigned to Agricultural Marketing Service and Foreign Agricultural Service.

k. Supervision and direction of Agricultural Stabilization and Conservation Service State and County offices, and designation of functions to be performed by Agricultural Stabilization and Conservation State and County Committees.

l. Activities under the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98–98h), except as otherwise assigned in this document.

m. Commodity Credit Corporation functions assigned in accordance with Commodity Credit Corporation by-laws.

n. Soil bank program authorized by Title I of the Agriculture Act of 1956, with assistance from other agencies of the Department, as otherwise assigned in the conservation practices phase of the conservation reserve program.

o. Determination and proclamation of agricultural commodities in surplus supply pursuant to section 125 of the Agricultural Act of 1956 (7 U.S.C. 1813). Also, responsibility to serve as the focal point in the Department for consultation on matters relating to the leasing of Federally-owned farm lands to insure that such leases are consistent with the Government's farm program to reduce production of price-supported crops in surplus supply.

p. The programs authorized by sections 7–15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g, et seq.) except the naval stores conservation program.

q. Functions relating to agreements under section 708 (7 U.S.C. 1787) of the National Wool Act of 1954, as amended (7 U.S.C. 1781–1787).

r. Responsibility for coordinating and preventing duplication of aerial photographic work of the Department, including: (1) Clearing of photography projects; (2) assigning symbols for new aerial photography, maintaining symbol records, and furnishing symbol books; (3) recording Departmental aerial photography flown and coordinating the issuance of aerial photography status maps of latest coverage; (4) promoting interchange of technical information and techniques to develop lower costs and better quality; (5) representing the Department on the Inter-Agency Committee on Sales Prices of Aerial Photographic Reproductions and serving as liaison with other governmental agencies on aerial photography and related activities including classification of departmental aerial photography but excluding mapping; and (6) serving as Chairman of the Photographic Sales Committee of the Department.

SEC. 121. *Reservations.*—a. *Reservations to the Secretary.* (1) Designation of counties for Emergency Conservation Programs under P.Ls. 85–58, 85–170, and 85–766.

(2) Appointment of State ASC Committeemen.

(3) Recommendations to the President regarding the designation of areas of major disaster under Public Law 875, 81st Congress, and regarding designation of acute distress areas under section 407 of the Agricultural Act of 1949, as amended, because of unemployment or other economic causes; designation of boundaries within areas declared by the President to be major disaster areas or acute distress areas and the designation of areas under all the other programs specified in paragraph 120d; the execution of cooperative agreements with the State Governors and heads of other Federal agencies with respect to such programs; and final approval of allocation of funds and of national program regulations under paragraph 120d(3).

(4) Final approval of regulations under section 4 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590d) and under section 8(b) of such act (16 U.S.C. 590h(b)) relating to the selection and exercise of the functions of committees.

(5) Under section 708 (7 U.S.C. 1787) of the National Wool Act of 1954, as amended (7 U.S.C. 1781–1787), entering into agreements with or approving agreements entered into between, marketing cooperatives, trade associations, or others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof.

COMMODITY EXCHANGE AUTHORITY

SEC. 125. *Assignment of functions.* The following assignment of functions is hereby made to the Commodity Exchange Authority:

a. Administration of the Commodity Exchange Act, as amended (7 U.S.C. 1–17a).

SEC. 126. *Reservations*—a. *Reservations to the Secretary.* (1) Designation of contract markets, promulgation of regulations and issuance of complaints under the Commodity Exchange Act, as amended.

(2) Authority of the Chairman of the Commodity Exchange Commission.

b. *Reservations to the Judicial Officer.* (1) Final action in disciplinary proceedings under the Commodity Exchange Act, as amended, which are subject to the provisions of sections 7 and 8 of the Administrative Procedure Act.

COOPERATIVE STATE RESEARCH SERVICE

SEC. 130. *Assignment of functions.* The following assignment of functions is made to the Cooperative State Research Service, subject to the coordination of research activities by the Director of Science and Education.

a. The administration of the Agricultural Experiment Stations Act of August 11, 1955 (Hatch Act of 1887, as amended—7 U.S.C. 361a–361i).

b. Payments under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623) to State Agricultural Experiment Stations.

c. The administration of the Cooperative Forestry Research Act of October 10, 1962 (76 Stat. 806–807).

d. Authority to make grants under P.L. 85–934 (42 U.S.C. 1891–1993) for support of basic scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research, and administration of responsibilities related thereto, from funds made available to this Service.

e. The administration of the Research Facilities Act of July 22, 1963 (77 Stat. 90).

SEC. 131. *Reservation*—a. *Reservation to the Secretary.* (1) Authority to appoint the advisory committee as directed under section 6 of the Cooperative Forestry Research Act approved October 10, 1962.

ECONOMIC RESEARCH SERVICE

SEC. 135. *Assignment of functions.* The following assignment of functions is made to the Economic Research Service:

a. Farm economics research dealing with the economic problems of agricultural production and resource use, but excluding forest economics research. Farm production economics research includes analyses of farm production costs and efficiency, profitable adjustments in farming, and financial problems of farmers. Resource development economics includes studies on the extent, use, management, and development of rural resources.

b. Marketing economics research, including economic and cost analyses relating to the marketing of specific agricultural commodities; the organizational structure and practices of commodity markets; costs, measurement of margins, and efficiency involved in the marketing of agricultural products; farmers' bargaining power; the economics of product quality and grade; market potentials, distribution and merchandising of agricultural products; and the economics of tranpsortation of agricultural products.

c. Domestic and foreign economic analysis, including economic and statistical analysis on agricultural prices, farm income, commodity outlook and situation, the supply and consumption of farm products, farm population and rural life, and agricultural history. Foreign economic analysis includes economic studies of supply of, demand for, and trade in farm products in foreign countries and their effect on prospects for U.S. exports; analysis of farm export programs; progress in economic development and its relationship to sales of farm products; assembly and analysis of agricultural trade statistics; and analysis of international financed monetary programs and policies, as they affect the competitive position of U.S. farm products, but excluding specific commodity investigations relating to foreign market developments, competition and reporting, as assigned to Foreign Agricultural Service.

d. Supervision, direction and operation of Outlook and Situation Board which is responsible for technical review and approval of all economic outlook and situation reports and statements prepared within the Department.

e. Authority to make grants under the provisions of P.L. 85–934 (42 U.S.C. 1891–1893) for the support of basic scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research, and administration of responsibilities related thereto.

f. Conducts economic research under P.L. 83–480, Title 1, section 104(a) with funds administered by the Foreign Agricultural Service, and under section 104 (k) with funds administered by the Agricultural Research Service.

FARMER COOPERATIVE SERVICE

SEC. 140. *Assignment of functions.* The following assignment of functions is hereby made to the Farmer Cooperative Service:

a. The programs authorized by the Act of July 2, 1926 (7 U.S.C. 451–457), pertaining to cooperative marketing, and research relating to the economic and marketing aspects of farmer cooperatives, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627).

FARMERS HOME ADMINISTRATION

SEC. 145. *Assignment of functions.* The following assignment of functions is hereby made to the Farmers Home Administration under or with respect to:

a. The Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), except those contained in section 342 of said Act (7 U.S.C. 1013a). These assigned functions, powers, duties, and assets pertain to programs authorized under said Act as well as to prior programs and authorities of the Farmers Home Administration and its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loan Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporation of Washington, D.C.

b. Title V of the Housing Act of 1949 (42 U.S.C. 1471), except those pertaining to research.

c. The Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440), and under the trust, liquidation and other agreements entered into pursuant thereto.

d. Section 8, and those with respect to repayment of the obligations under section 4, of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a, 1004).

e. Rural Areas Development Program activities consisting of (1) furnishing technical information and services in initiating and implementing projects, (2) certifying individual over-all economic development programs in rural areas as being consistent with the general objectives of the economic development of rural areas of the United States, and (3) certifying industrial and commercial water facility projects and community facility projects as being consistent with approved over-all economic development

programs for the areas involved. The foregoing are part of the functions, powers, and duties under the Area Redevelopment Act (42 U.S.C. 2501), delegated by the Secretary of Commerce to the Secretary of Agriculture (26 F.R. 9933).

f. Rural Renewal Program activities consisting of coordination, direction, and supervision of Rural Renewal Projects and assistance in planning, developing, and carrying out such projects under section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)).

g. Section 51(a) of the Alaska Omnibus Act.

h. Servicing, collection, settlement, and liquidation of:

(1) Deferred land purchase obligations of individuals under the Wheeler-Case Act of August 11, 1939, as amended (16 U.S.C. 590y), and under the item, "Water Conservation and Utilization Projects" in the Department of the Interior Appropriation Act, 1940 (53 Stat. 719), as amended.

(2) Puerto Rican Hurricane Relief loans under the Act of July 11, 1956 (70 Stat. 525).

i. Disposal of surplus property under the jurisdiction of the Farmers Home Administration which the Secretary of Agriculture is authorized to dispose of by the Administrator of the General Services Administration (40 U.S.C. 486).

SEC. 146. *Reservations.* The following functions are reserved to the Secretary:

a. Making and issuing notes to the Secretary of the Treasury for the purposes of the Agricultural Credit Insurance Fund as authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929), and Title V of the Housing Act of 1949 (41 U.S.C. 1484, 1485(b)), and requesting advances of funds evidenced by said notes and any similiar notes executed under prior authorities (including 7 U.S.C. 1005b(j), 1005c(b), 1006e(a), 16 U.S.C. 590x–3(d)); where such notes or requests for advances thereunder would cause the aggregate outstanding unpaid principal balances thereon to exceed $135,000,000, or to exceed $25,000,000 thereof for domestic farm labor housing, or $10,000,000 thereof for rental housing for elderly persons and families.

b. Designation of areas in which Emergency loans may be made (7 U.S.C. 1961).

FEDERAL CROP INSURANCE CORPORATION

SEC. 150. *Assignment of functions.* The following assignment of functions is hereby made to the Federal Crop Insurance Corporation:

a. The Federal Crop Insurance programs.

In accordance with the provisions of the Federal Crop Insurance Act, as amended (7 U.S.C. 1505) and section 1(b) of Reorganization Plan No. 2, 1953, this assignment is for record purposes only. The Corporation derives its functions from the act.

FEDERAL EXTENSION SERVICE

SEC. 155. *Assignment of functions.* The following assignment of functions is hereby made to the Federal Extension Service:

a. The administration of the Smith-Lever Act as amended (7 U.S.C. 341–349).

b. Educational and demonstration work in cooperative farm forestry conducted under section 5 of the Act of June 7, 1924, as amended by the Act of October 26, 1949 (16 U.S.C. 568).

c. Educational and demonstration work of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627).

d. Educational leadership for the Department's farm safety educational program.

e. Providing a focal point of contact and working relationships with national town-country church leaders and denominational and interdenominational church organizations. This work is carried on in cooperation with other agencies of the Department and with the State Extension Services and other national, State and local organizations.

f. Coordination of all educational activities of the Department, including examination and analysis of all such activities current and contemplated, review and approval of all educational activities or proposals prior to initiation, advice and consultation on planning with heads of agencies, and reports and recommendations to the Secretary.

g. Rendering educational and technical assistance to persons not receiving financial assistance under Title 5 of the Housing Act of 1949, including Extension demonstrations.

h. Provide leadership and direct assistance to State Extension Services in planning, conducting, and evaluating Extension programs with Indians under a memorandum of agreement with the Bureau of Indian Affairs dated May 1956, pursuant to the authority provided in Section 601 of the Act of June 30, 1932, as amended (31 U.S.C. 686).

i. Provide in rural redevelopment areas organizational and educational leadership for orderly development of local economics initiative. (Area Redevelopment Act (P.L. 87–27).)

j. Cooperate with Land-Grant Colleges in furthering conservation and resource development education. State and county Extension organizations will, in turn, make appropriate arrangements for assistance to soil and water conservation districts.

k. Act as the liaison between the Department and officials of the Land-Grant Colleges and Universities on all matters relating to cooperative Extension work and educational activities relating thereto.

SEC. 156. *Reservations*—a. *Reservations to the Secretary.* Approval of selection of State Directors of Extension.

FOREIGN AGRICULTURAL SERVICE

SEC. 160. *Assignment of functions.* The following assignment of functions is hereby made to the Foreign Agricultural Service:

a. Primary responsibilities for Department activities relating to foreign agricultural trade including coordination of U.S. agricultural interests before bodies such as Special Representative for Trade Negotiations, Trade Expansion Act Advisory Committee and other departmental committees concerned with administration of the Trade Expansion Act of 1962, Organization for Economic Cooperation and Development, General Agreement on Tariffs and Trade, and the European Common Market; development of foreign markets for agricultural products of the United States; relationships with foreign areas; marketing and economic investigations and service work related to current and prospective competition with and demand for specific U.S. agricultural products in foreign commodity markets; including functions under 7 U.S.C. 1761–1766, 19 U.S.C. 1354, 22 U.S.C. 501, but excluding basic and long range analyses of world conditions and developments affecting supply, demand, and trade in farm products and general economic analyses of the international financial and monetary aspects of agricultural affairs as assigned to Economic Research Service.

b. Administration of section 22 of the Agricultural Adjustment Act (of 1933) as amended (7 U.S.C. 624), and export and import controls, except those under section 8e of said Agricultural Adjustment Act (of 1933), as added August 28, 1954, and amended (7 U.S.C. 608e–1), but including coordination of Department positions, actions and recommendations as they pertain to administration of the Export Control Act of 1949, as amended (50 U.S.C. sec. 2021–2032).

c. Coordination of relationship in the field of its primary responsibilities between the Department of Agriculture and the State Department, other departments and agencies of the Government, and the Food and Agriculture Organization of the United Nations.

d. Act as liaison agency between the Department of Agriculture and the Department of State, and coordinate, to the extent permitted by law, the carrying out by Department agencies of their functions in foreign areas, including relations with State Department at U.S. diplomatic and consular missions, foreign governments, private and public organizations, private firms and other departments and agencies of the U.S. Government.

e. Commodity export sales programs including export pricing policies, and export subsidy programs, other than section 32 (7 U.S.C. 612c), and the International Wheat Agreement.

f. Primary responsibility for administration of barter programs under which agricultural commodities are exported in exchange for strategic and other materials, including strategic and critical materials for the National Stockpile (15 U.S.C. 714b); strategic and other materials for the supplemental stockpile (7 U.S.C. 1856); materials, goods, and equipment required in connection with foreign economic and military aid and assistance programs, for offshore construction programs, and for specific requirements of government agencies (7 U.S.C. 1692).

g. Primary responsibility for Department functions under Titles I and IV, Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1701–1709, 1731–1736), including market development trade programs under section 104(a) of the Act, but excluding utilization research in aid of market development under section 104

(a), and farm, forestry, marketing, and utilization research under section 104(k) of the Act.

h. Responsibilities and activities involving program development, evaluation and review, including related liaison with Agency for International Development, participating private relief agencies and intergovernmental organizations with respect to the donation of foods for distribution to needy persons in foreign countries under provisions of Section 416 of the Agricultural Act of 1949, 7 U.S.C. 1431 as amended; but excluding responsibilities related to program execution involving procurement, reprocessing, packaging, delivery of commodities, and maintenance of records pertaining thereto and the handling of claims by and against voluntary relief agencies and intergovernmental organizations.

i. Ocean transportation functions under the provisions of Public Law 480, but excluding the responsibility for designating and moving to port position commodities donated under Title II and Title III of Public Law 480 and the fiscal examination and accounting functions for Public Law 480 transactions.

FOREST SERVICE

SEC. 165. *Assignment of functions.* The following assignment of functions is hereby made to the Forest Service:

a. Over-all leadership in forest and forest range conservation, development, utilization. (As used here and elsewhere in this Chapter the term "forest" includes woodlands, and brush covered wild lands in mountainous areas.)

b. The protection, management, and administration of the National Forests, National Forest Purchase Units, National Grasslands, and other lands administered by the Forest Service, which collectively are hereby designated as the National Forest System.

c. Research programs in timber management; range management on forest and related ranges; forest soils and watersheds; wildlife and fish habitat management; forest recreation; forest fire; forest insects; forest diseases; forest products utilization; forest engineering; forest resource surveys; forest products marketing; and forest economics.

d. The programs of cooperation in the protection, development, conservation, management and utilization of forest resources, except as otherwise assigned in this document.

e. Forest insect, disease, and other pest control and eradication.

f. Programs under section 23 of the Federal Highway Act (23 U.S.C. 101(a), 202(b), 204 (a)–(c), 205 (a)–(c)).

g. Naval stores conservation program authorized by sections 7–17 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g–590q).

h. The use, administration and disposition under Title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1012), of lands under the administration of this Department including the custodianship of lands under lease to States and local agencies, except as otherwise assigned to Agricultural Research Service and Soil Conservation Service.

i. The responsibility, under such general principles, criteria and procedures as may be established by the Soil Conservation Service, for making preliminary examinations and surveys under the flood prevention program (Flood Control Act of 1936 as amended and supplemented), for conducting surveys and investigations under the small watershed protection program (item for Watershed Protection in the Department of Agriculture Appropriation Act, 1954), for making surveys, investigations and studies under the program for flood prevention and agricultural phases of the conservation, development, utilization, and disposal of water (Watershed Protection and Flood Prevention Act), and for the collection of data necessary to the preparation of comprehensive river basin reports in the watershed or basin for the following: all national forests and other lands administered by the Forest Service; range lands within national forest boundaries and range lands adjacent to national forests which are administered in conjunction with such forests under formal agreement with the owner or lessee; and other forest lands except that the determination as to what lands are to be in forest or woodlands shall be the responsibility of the Soil Conservation Service.

j. The responsibility for installing flood prevention and watershed protection works of improvement on all national forests and other lands administered by the Forest Service; range lands within national forest boundaries and range lands adjacent to national forests which are administered in conjunction with such forests under formal agreement with the owner or lessee; and, with respect to other forest lands in the watershed or basin, in cooperation with state and local agencies, for installing all fire protection measures provided for in approved work plans, and, for providing tree planting stock and furnishing technical assistance in forest management.

k. Assistance to the Agricultural Stabilization and Conservation Service in connection with the agricultural conservation program and the cropland conversion program, both authorized by sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g et seq.).

l. Responsibility for coordination of mapping work of the Department, including: (1) Clearing mapping projects to prevent duplication; (2) keeping a record of mapping done by Department agencies; (3) preparing and submitting required Departmental reports; (4) serving as liaison on mapping with the Bureau of the Budget, Department of the Interior, and other Departments and establishments; (5) promoting interchange of technical information, including techniques which may reduce costs or improve quality; and (6) maintenance of the mapping records formerly maintained by the Office of Plant and Operations.

m. Authority to make grants under the provisions of Public Law 85–934 (42 U.S.C. 1891–1893) for the support of basic scientific research in forestry activities at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research, and administration of responsibilities related thereto.

n. Assistance to the Farmers Home Administration in connection with the rural renewal program authorized by Title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011 (e)).

o. Assistance to the Farmers Home Administration in connection with loans under authority of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1923).

p. Assistance to the Soil Conservation Service in connection with the resource conservation and development program authorized by Title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(e)).

q. Assistance to the Office of Rural Areas Development, Farmers Home Administration, and Rural Electrification Administration in redevelopment area program activities, pursuant to the Area Redevelopment Act (42 U.S.C. 2501).

r. Responsibility for the radio frequency licensing work of the Department, including: (1) Representation of the Department on the Interdepartment Radio Advisory Committee and its Frequency Assignment Subcommittee, in the office of the Director of Telecommunications Management; (2) establishing policies, standards, and procedures for allotting and assigning frequencies within the Department and for obtaining effective utilization of them; (3) providing licensing action necessary to assign radio frequencies for use by the agencies of the Department and maintenance of the records necessary in connection therewith; and (4) providing inspection of the Department's radio operations to insure compliance with national and international regulations and policies for radio frequency use.

SEC. 166. *Reservations*—a. *Reservations to the Secretary.* (1) The authority to issue rules and regulations relating to the National Forests, National Grasslands, and other lands administered for National Forest purposes; to lands administered under Title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); and to the programs under section 23 of the Federal Highway Act (23 U.S.C. 101(a), 202(b), 204 (a)–(c), 205 (a)–(c)).

(2) The authority as a member of the National Forest Reservation Commission (16 U.S.C. 513).

(3) The making of recommendations to the President with respect to the transfer of lands pursuant to the provisions of subsection (c) of section 32 of Title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(a)).

(4) The making of recommendations to the President for the establishing of national forests or parts thereof under the provisions of section 9 of the Act of June 7, 1924 (42 Stat. 655).

(5) Final approval of regulations under section 4 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590d) relating to naval stores.

(6) Final approval and submission to the Congress of the results of preliminary examinations and survey reports under the Flood Control Act of 1936, as amended and supplemented.

(7) Approval of requests for apportionment of reserves pursuant to section 3679, Revised Statutes, as amended (31 U.S.C. 665), for forest pest control.

RURAL ELECTRIFICATION ADMINISTRATION

SEC. 170. *Assignment of functions.* The following assignment of functions is hereby made to the Rural Electrification Administration:

a. The rural electrification program.

b. The rural telephone program.

c. Rural areas development program activities consisting of (1) implementing proposed industrial and commercial projects, other than water facilities and (2) certifying industrial and commercial projects, other than water facilities, as being consistent with the approved overall economic development programs for the areas involved. These activities are part of the functions, powers, and duties under the Area Redevelopment Act (42 U.S.C. 2501), delegated by the Secretary of Commerce to the Secretary of Agriculture (26 F.R. 9933).

SEC. 171. *Reservations*—a. *Reservations to the Secretary.* (1) Requests and certifications to the Secretary of the Treasury in connection with loans to the Administrator of the Rural Electrification Administration for the rural electrification and rural telephone program.

SOIL CONSERVATION SERVICE

SEC. 180. *Assignment of functions.* The following assignment of functions is hereby made to the Soil Conservation Service:

The responsibility of acting as the technical service agency in the field of soil and water conservation, watershed protection and flood prevention, and resource development, except on lands administered by the Forest Service, through the following programs:

a. Basic program of soil and water conservation: (Public Law 46, 74th Congress, 1935). Administers a broad program of soil and water conservation operations, including direct assistance to land owners and operators in approximately 3,000 soil and water conservation districts, in planning and applying conservation measures.

b. Great plains conservation program: (Public Law 1021, 84th Congress, 1956). Administers program under which landowners and operators in designated counties within ten Great Plains States receive correlated technical and financial help in carrying out long-term soil and water conservation plans aimed at bringing about needed land-use adjustments and applying the conservation measures needed to stabilize agriculture in this area of special climatic hazards.

c. Watershed protection and flood prevention: (Flood Control Act of 1936, as amended and supplemented; item for watershed protection in the Department of Agriculture Appropriation Act, 1954; and, the Watershed Protection and Flood Prevention Act, Public Law 566, 83d Congress, as amended). Responsibility for administration of programs for watershed protection and flood prevention in the conservation, development, utilization and disposal of water in upstream watersheds or subwater shed areas, and activities in connection with river basin investigations and preparation of reports thereon (with due recognition to the responsibilities otherwise assigned).

(1) Development of general principles, criteria and procedures for these programs.

(2) Making investigations and surveys necessary to prepare watershed work plans, assisting local organizations in preparing watershed work plans, installing flood prevention and watershed protection works of improvement or providing to local interests such technical and other assistance as may be needed for installing such works of improvement in accordance with approved watershed work plans; except for those responsibilities assigned to the Forest Service, and the Farmers Home Administration.

d. Rural areas development: (Food and Agriculture Act of 1962). Resource Conservation and Development Projects. Administrative responsibility for Department activities in resource conservation and development projects designed to speed up conservation activities in areas of sufficient size that they will have significant impact on the local economy.

Cropland conversion program. Responsibility for the technical phases of those practices for which technical assistance is required for their effective application and use in a program intended to help farmers convert unneeded or unsuitable cropland to grass, trees, water storage, wildlife habitat, or income-producing outdoor recreation.

Income-producing outdoor recreation on rural non-Federal lands. Leadership responsibility for activities involved in assisting landowners and operators, individually and in groups, establish income-producing recreation enterprises on their land and for the liaison with other Federal, State, and local agencies and groups in a position to assist with recreational development.

Rural renewal. Responsibility for giving technical help on land and water conservation and development in rural renewal projects planned and carried out in rural areas where the need to improve the general level of economic activity is so acute that a complete program of rural renewal is the only practicable solution.

e. National inventory of soil and water conservation needs: Departmental leadership for a national inventory of soil and water conservation needs, covering all land, private and public, for which the Department has responsibility for soil and water conservation. The inventory includes information on soil resources, probable land use adjustments, and soil and water conservation treatments needed.

f. Snow surveys: (Reorganization Plan No. 4, effective June 30, 1940). Responsibility for making and coordinating snow surveys in the Western States and Alaska and preparing forecasts of seasonal water supplies in affected streams, for the purpose of relating available water supply to agricultural plans and operations.

g. National cooperative soil survey: Responsibility for carrying out the Federal part of the National Cooperative Soil Survey developed and published to provide basic soils information needed for conservation planning and for guidance in proper classification and development of nonagricultural lands.

h. Agricultural conservation program: (Public Law 156, 83d Congress, 1953). Responsibility for providing technical assistance to the Agricultural Stabilization and Conservation Service and to landowners and operators in the Department's program of cost-sharing for conservation practices of public benefit, including providing technically adequate designs and specifications for permanent-type practices in the program.

i. World soil geography: Responsibility for a research program for making worldwide interpretations for the Defense Department relating to engineering characteristics and climatological influences on soil survey interpretations and for the preparation of accurate soils maps.

j. Conservation loans: (Public Law 597, 83d Congress, 1954). Responsibility for providing technical assistance to the Farmers Home Administration in making soil and water conservation loans to landowners and operators for financing soil conservation, water development, water conservation and use, forestation, drainage, establishing and improving permanent pasture, and other related measures.

k. The responsibility for providing forestry services, as a part of its total technical service to private landholders, when forestry services are a necessary and associated part of the land management problems of such landholders and are not available from a State agency, and until such services are available from agencies of State government, and subject to the same limitations, the additional exclusive responsibility for providing forestry services to farm landholders when such services serve only agricultural purposes, such as, and generally limited to, tree plantings around farm buildings and wind breaks or shelterbelts to prevent wind and water erosion of farm lands. In providing such forestry services the Soil Conservation Service shall use fully research findings and recommendations of Federal and State forest research agencies, and shall be responsible for seeing that such forestry services fully meet professional forestry standards.

SEC. 181. *Reservations*—a. *Reservations to the Secretary.* (1) The execution of memoranda of understanding establishing the general basis for cooperation by the Department with Soil Conservation districts, wind erosion districts, and other districts organized for the conservation and utilization of soil and water resources within the several states, territories, and possessions.

(2) Final approval and transmittal to the Congress of Watershed Work Plans that are required to be transmitted to

the Congress, and of comprehensive river basin reports.

STATISTICAL REPORTING SERVICE

SEC. 185. *Assignment of functions.* The following assignment of functions is made to the Statistical Reporting Service:

a. Crop and livestock estimates and reporting program including estimates of production, supply, price and other aspects of the U.S. agricultural economy, collection of statistics, conduct of enumerative and objective measurement surveys, and related activities.

b. Reports of the Crop Reporting Board of the Department of Agriculture covering official State and national estimates.

c. Research relating to household, industrial and institutional consumers, and producers, handlers and processors, with respect to sensory perceptions, attitudes, opinions, and related factual data affecting marketing and consumption of agricultural products.

d. Review, clearance, coordination and improvement of statistics in the Department including review of all statistical forms survey plans, and reporting and record keeping requirements originating in the Department and requiring approval by the Bureau of the Budget under the Federal Reports Act, liaison for coordination of statistics, general improvement of statistical methods and techniques in the Department.

e. Operation of the Washington Data Processing Center of the Department involving provision of automatic data processing services for other Agencies of the Department on request.

f. Authority to make grants under the provisions of P.L. 85–934 (42 U.S.C. 1891–1893) for the support of basic scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research, and administration of responsibilities related thereto.

SEC. 186. *Reservations*—a. *Reservations to the Secretary.* (1) Approval and issuance of the monthly crop report (7 U.S.C. 411a) and final action on rules and regulations for the Crop Reporting Board.

OFFICE OF RURAL AREAS DEVELOPMENT

SEC. 190. *Assignment of functions.* The Office of Rural Areas Development, under the direction of the Assistant Secretary for Rural Development and Conservation, coordinates and expedites the Rural Areas Development Program as well as activities under the Area Redevelopment Act of 1961 (P.L. 87–27) delegated to the Department of Agriculture from the Department of Commerce. The responsibilities of the Office include:

a. Providing Department-wide leadership in the formulation and carrying out of current and long-range policies and plans relating to the above programs in rural areas.

b. Facilitating the application of the resources of Department agencies in assisting State, local, private, community, farm organizations, and individuals working for the improvement of rural areas.

c. Conducting studies and special analyses of National, State, and local needs for economic development assistance, preparing periodic reports and recommendations on actions necessary for solution of economic development problems in rural areas and maintaining ongoing review and analysis of rural areas development accomplishments.

d. Chairing the Interdepartmental Staff Group supporting the Rural Development Committee established by Executive Order 11122 dated October 17, 1963.

e. Providing secretariat of the Rural Areas Development Board, the Rural Development Committee, the Public Advisory Committee on Rural Areas Development, the Public Advisory Committee on Cooperatives, and the Land and Water Policy Committee.

f. Coordinating the Department program, carried out through the program agencies, for establishing income producing and profitable outdoor recreation in rural areas. This includes activity authorized by the Food and Agriculture Act of 1962 (Title I, Public Law 87–703).

g. Assistance to the Department in formulating policies and expediting programs concerning:

(1) Strengthening the position of the family farm.

(2) Solving the economic problems of the elderly and handicapped.

(3) Relieving economic distress in the Appalachian Region.

(4) Redeveloping the Northern Great Lakes States Region.

(5) Public Works Acceleration (P.L. 87–658).

(6) Farm laborers and migratory laborers.

(7) Problems of specially disadvantaged groups.

(8) Training program activities under the Area Redevelopment Administration and the Manpower Development and Training Program.

SEC. 191. *Reservations.* The following functions are reserved to the Assistant Secretary for Rural Development and Conservation:

a. Approval and promulgation of policies and regulations recommended by the Rural Areas Development Board.

INTERNATIONAL AGRICULTURAL DEVELOPMENT SERVICE

SEC. 194. *Assignment of functions.* The following assignment of functions is hereby made to the International Agricultural Development Service:

a. General administration and coordination of the Department's responsibilities and activities in foreign assistance and training programs including those under sections 301 and 302 of the U.S. Information and Educational Exchange Act of 1948 (22 U.S.C. 1451–1452); the Foreign Assistance Act of 1961, P.L. 87–195, as amended by the Foreign Assistance Act of 1963, P.L. 88–205; and P.L. 87–256, the Mutual Educational and Cultural Exchange Act of 1961; and in developing and maintaining effective relationships with international and U.S. organizations in planning and carrying out such programs:

(1) Provision of leadership in the formulation of current and long-range policies and plans for carrying out technical assistance and agricultural development responsibilities abroad and related activities.

(2) Development and maintenance of effective relationships with the Agency for International Development, and with other appropriate public and private U.S. and international organizations, with respect to planning and carrying out assistance and training programs.

(3) Coordination of the resources of the Department, and expedition of the application of these resources in the planning, review, evaluation and operation of country or regional agricultural development projects and activities for which the USDA is given responsibility, including the orientation of U.S. personnel and the training of foreign nationals.

(4) Coordination of the recruitment and assignment of USDA personnel on detail or loan to the Agency for International Development, Food and Agriculture Organization and similar functional agreements between the Department and such organizations.

(5) Coordination of the implementation of Government-sponsored agricultural exchange programs.

NATIONAL AGRICULTURAL LIBRARY

SEC. 198. Assignment of functions. The following assignment of functions is hereby made to the National Agricultural Library:

a. Acquisition and preservation of all information concerning agriculture.

b. Formulation of immediate and long-range library policies, procedures, practices and technical standards necessary for acquisition, cataloging, loan, bibliographic, and reference service to meet the needs of scientific, technical, research and administrative staffs of the Department, both in Washington and the field.

c. Evaluating special library programs developed for agencies of the Department; exercising such controls as are needed to coordinate library services in the Department and to avoid duplication of effort.

d. Provision of consultative service in library science and documentation, including systems for information storage and retrieval, to Department officials.

e. Coordination of scientific and technical information activities of the Department.

f. Coordination of the collection policy and program of the National Agricultural Library with the Library of Congress and the National Library of Medicine.

g. Representation of the Department on library matters before Congressional Committees, in international library activities, in professional societies, and in science information and documentation activities; and cooperation with other Government agencies, and educational institutions on all matters relating to library services.

Done at Washington, D.C., November 27, 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64–12382; Filed, Dec. 2, 1964; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

CENTRAL GULF STEAMSHIP CORP.

Amended Notice of Application

The notice published in the FEDERAL REGISTER on July 25, 1964 (29 F.R. 10401) concerning the application of Central Gulf Steamship Corporation for operating-differential subsidy under Title VI of the Merchant Marine Act, 1936, as amended, is hereby amended to modify the sailing frequency and privilege calls as set forth in the following service description:

Thirty-six (36) to forty (40) sailings per year from the United States Gulf and Atlantic coast ports extending from Brownsville, Texas to Portland, Maine, from and to the Trade Route 18 ports, with the privilege of calling at Beirut, Port Said and Alexandria for the discharge outbound, or loading inbound, of cargo loaded or to be discharged at North Atlantic ports of the United States.

Any person, firm or corporation which has any interest in this application, as amended, and desires to intervene in, but is not already a party to the hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, which is scheduled to commence on February 1, 1965, should, by the close of business on December 18, 1964, file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

The purpose of the hearing under section 605(c) is to receive evidence relevant to the following: (1) Whether the application is one with respect to vessels to be operated on a service, route or line, served by citizens of the United States which would be in addition to the existing service or services, and, if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no petitions for leave to intervene are received within the specified time, or if the Maritime Subsidy Board determines that petitions so filed do not demonstrate sufficient interest to warrant intervention, the scheduled hearing will be conducted on the amended application without further notice.

Dated: November 30, 1964.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-12399; Filed, Dec. 2, 1964; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Order E-21538]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Approving Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of November 1964.

Agreement among the members of the Air Traffic Conference of America amending standard agent's ticket and area settlement plan, Agreement CAB 16874-A4.

On April 24, 1964, the Board approved resolutions of members of the Air Traffic Conference of America (ATC) establishing a "Standard Agent's Ticket and Area Settlement Plan" (Plan).[1] Under the Plan as approved, ATC appointed agents are required to use a single standard form of ticket in the sale of passenger air transportation involving a journey wholly within the continental United States (except Alaska), Canada or Hawaii, and for international air transportation between the 48 contiguous States and Canada. By Agreement CAB 16874-A3, the Plan was amended to permit the participation of non-ATC members of the International Air Transport Association.[2]

The instant amendment, quoted in the Appendix,[3] would permit participation in the Plan by certain regular members of ATC serving Alaska and Puerto Rico, the agency relationships of which are not governed by the ATC Sales Agency Agreement.[4] The amendment provides that such carriers may execute a concurrence specifying, essentially, that the concurring airlines (a) will supply those of its agents who are on the ATC Agency List and operating under the Plan with airline identification plates in conformity with the Plan, and will withdraw such plates whenever required on the same basis as other airlines participating in the Plan; (b) will contribute pro rata to the costs of ticket stock, sales reports forms and other expenses of the Plan on the same basis as other participants; (c) will be bound by the Plan's provisions for sharing of agency funds following a shortage, and will not be entitled to any portion of the sums recovered under the agent's ATC bond; and (d) will be subject to appropriate ATC enforcement action for any breach of the foregoing. The agreement also provides a form of amendment (or rider) to the ATC sales agency agreement governing applicability of the Plan to agency sales on behalf of a concurring airline. By signing the rider, an agent will agree to use the airline identification plate of the particular concurring carrier and report and remit for sales on Plan forms just as though he had been appointed by such carrier pursuant to the ATC Sales Agency Agreement rather than on an independent basis. ATC states that it will be the responsibility of the concurring airline, rather than the ATC, to obtain agents' signatures to the riders.[5]

Comments supporting the arrangement were received from Pacific Northern Airlines, Inc. and Northern Consolidated Airlines, Inc. The American Society of Travel Agents (ASTA) states that it does not object to participation in the Plan by the five carriers identified above, provided that their agents are given a choice of using either the Plan's standard ticket, or continuing to use individual carrier ticket stock, i.e., an individual carrier should not be in a position to force one of its agents to utilize the Plan under threat of cancellation of the latter's appointment as agent of that carrier.

Upon consideration of the foregoing, we conclude that the agreement is consonant with the Plan and its basic objectives, as heretofore approved by the Board.[6] A major purpose of the Plan is to reduce the number of different types of ticket stock an agent is required to use, with a resultant reduction or elimination of sales reports to individual carriers. Under the instant arrangement, persons approved as agents by ATC who also hold appointments from one or more of the carriers named herein will be in a position to extent use of the standard ticket form and report and remittance procedure to sales on behalf of the latter group. This should further simplify the ticketing and clerical workload for such ATC agents. Viewed in this context, ASTA's reservation concerning the instant amendment seems unfounded, and essentially repetitive of its views on the proposed entry of IATA carriers into the Plan. We noted, in approving that amendment (footnote 2, *supra*) "that the questions of whether and when an individual ATC agent should be required by a specific IATA carrier to utilize the Plan, and of its use in situations where it is not by its terms specifically mandatory are matters which properly should be decided by the parties directly involved." The situation presented here would not appear to warrant a different conclusion.[7]

Accordingly, it is ordered:

That Agreement CAB 16874-A4 be and it hereby is approved: *Provided,* That the name of each carrier entering the Plan pursuant to this agreement and the effective date of its entry be filed with the Board not later than such date.

This order will be published in the FEDERAL REGISTER.

[1] Agreements CAB 16874 and 16874-A1, approved by Order E-20741. The Plan is presently operative in the State of Illinois and implementation in the remaining 12 states in the first bank area is scheduled for December 1, 1964.

[2] This resolution was approved by Order E-21497, dated November 12, 1964.

[3] Filed as part of the original document.

[4] In a letter filed with the amendment, ATC states that such Agreement and the ATC Agency Resolution (which embrace the Plan) do not apply because the routes of the carriers include no pairs of points within the continental United States, Canada and Hawaii. Such carriers are identified as Alaska Airlines, Inc., Northern Consolidated Airlines, Inc., Pacific Northern Airlines, Inc., Trans Caribbean Airways, Inc. and Wien Alaska Airlines, Inc.

[5] This procedure is being adopted, according to ATC, in the light of the Board's condition, with respect to Agreement CAB 16874-A3, that it not be mandatory that an agent sign a rider of this type in order to retain ATC status.

[6] We shall require notice of actual carrier participation in the Plan, pursuant to this agreement, to be filed with the Board.

[7] Indeed, the particular carrier-agency arrangements here involved, as already noted, are not subject to any inter-carrier trade association agreement but rather have been negotiated separately by the parties to such arrangements.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-12298; Filed, Dec. 2, 1964; 8:45 a.m.]

[Docket No. 15650]

LINEA AEREA NACIONAL DE CHILE (LAN)

Notice of Hearing

In the matter of the application of Linea Aerea Nacional de Chile for an amendment to its foreign air carrier permit authorizing the carrier to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 3, 1964, at 11:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Hearing Examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the application and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 30, 1964.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 64-12381; Filed, Dec. 2, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 64-1101]

"PAYOLA", "PLUGOLA", AND OTHER RELATED PRACTICES

Order Instituting Inquiry

At a session of the Federal Communications Commission held in its offices in Washington, D.C., on the 25th day of November, 1964;

It appearing, that the Commission has received allegations from many sources indicating the continued existence and spread of "payola," "plugola" and other improper related practices by broadcast licensees, their employees and others both in and out of the broadcasting industry, which allegations, if true, appear to constitute violations of sections 317 and 508 of the Communications Act as well as §§ 73.119, 73.289, 73.654 and 73.789 of the Commission's rules; that the allegations received by the Commission indicate a variety of forms of "payola" and "plugola" and related practices including, but not limited to, direct and indirect undisclosed payments by record companies and others to disc jockeys and others for playing or influencing the play of records and undisclosed payments for the inclusion of matter intended for broadcast.

Now, Therefore, it is ordered, That on the Commission's own motion pursuant to authority provided in sections 403 and 409(e) of the Communications Act of 1934, as amended, effective this 25th day of November 1964 an inquiry is instituted to determine whether broadcast licensees, their employees or others have violated or are violating sections 317 and 508 of the Communications Act and §§ 73.119, 73.289, 73.654 and 73.789 of the Commission's rules and to determine the policies and practices of broadcast licensees, their employees and others with respect to "payola," "plugola" and other hidden radio and television advertising practices.

It is further ordered, pursuant to section 5(d)(1) of the Communications Act, that for the purposes of such inquiry authority is hereby delegated to the Chairman of the Commission to require by subpoena the production of books, papers, correspondence, memoranda and other records deemed relevant to the inquiry.

Any persons aggrieved by any order issued or action taken pursuant to the foregoing delegation of authority may file an application for review by the Commission. Any such applications for review shall be filed within ten days after the issuance of the order or the taking of the action complained of.

The provisions of § 1.27 of the Commission's rules shall apply and govern with respect to the production by witnesses of oral and documentary evidence under subpoena issued hereunder.

It is further ordered, That the inquiry shall be a nonpublic proceeding unless and until the Commission shall order public sessions, where and to the extent that it shall determine that the public interest will be served thereby. Such nonpublic procedure is in line with our established practice in investigations of this nature.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12351; Filed, Dec. 2, 1964; 8:47 a.m.]

[Docket No. 14024]

AUTHORIZATION OF COMMERCIALLY OPERABLE SPACE COMMUNICATIONS SYSTEMS

Order Terminating Inquiry

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of November 1964;

The Commission having before it the record of the above-entitled proceeding; and

It appearing, that with the enactment of the Communications Satellite Act of 1962 the purpose for which said proceeding was instituted has been served:

It is ordered, That said proceeding be and hereby is terminated.

Released: November 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12376; Filed, Dec. 2, 1964; 8:49 a.m.]

[Docket Nos. 15429, 15430; FCC 64R-539]

DOVER BROADCASTING CO., INC., AND TUSCARAWAS BROADCASTING CO.

Memorandum Opinion and Order Amending Issues

In re applications of Dover Broadcasting Company, Inc., Dover-New Philadelphia, Ohio, Docket No. 15429, File No. BPH-3560; The Tuscarawas Broadcasting Company, New Philadelphia, Ohio, Docket No. 15430, File No. BPH-4196; for construction permits.

1. Dover Broadcasting Company, Inc. (Dover) requests addition of issues[1a] as to The Tuscarawas Broadcasting Company's (Tuscarawas) financial qualifications and its efforts to discover and meet the programming needs of its proposed service area.[2]

2. The mutually exclusive applications of Dover and Tuscarawas were set for hearing by Commission Order (FCC 64-358) released April 27, 1964. Both applicants were found to be financially qualified; the Examiner was authorized to add an issue as to sufficiency of funds; and issues were designated as to the following: determination of areas and pop-

[1] Commissioner Hyde absent.

[1] Commissioners Lee and Loevinger absent.

[1a] Before the Review Board are: petition for acceptance of late filing of motion to enlarge issues, filed June 9, 1964, by Dover; motion to enlarge issues, filed June 9, 1964, by Dover; comments, filed July 16, 1964, by the Broadcast Bureau; reply to motion, filed July 16, 1964, by The Tuscarawas Broadcasting Company (Tuscarawas); reply, filed July 24, 1964, by Dover. Two extensions of time for the filing of opposition pleadings were granted. On July 28, 1964, Tuscarawas filed a document entitled "reply to Broadcast Bureau's comments," which is not authorized by the Rules and will not, therefore, be considered. Also before the Board are: motion to strike Tuscarawas' "reply to motion to enlarge issues," filed July 24, 1964, by Dover; reply to motion to strike, led July 31, 1964, by Tuscarawas; comment, filed August 3, 1964, by the Broadcast Bureau; reply to opposition, filed August 10, 1964, by Dover. The motion to strike was predicated on Tuscarawas' failure to file with its opposition the affidavit required by Rule 1.229. The affidavit prepared by James Natoli, allegedly omitted from the pleading by inadvertence, having subsequently been filed, the Bureau's comments correctly point out that no reason remains to entertain the motion. Accordingly, Dover's motion to strike is denied, and Tuscarawas' opposition pleading and late filed affidavit will be considered.

[2] FAA approval of Tuscarawas' antenna proposal, filed with the Commission on November 8, 1963, led Dover to withdraw its request for an issue to determine whether the proposed antenna would constitute a menace to air navigation.

ulations to be served by each of the proposals and the availability of FM service thereto; whether the Dover proposal would violate § 73.240(a) of the Commission's rules with respect to multiple ownership of FM stations; whether the Dover proposal is consistent with § 73.210(b) of the Rules to warrant an authorization for dual-city operation; and the standard comparative issue.

3. In May 1964, Dover sought an extension of time for the filing of the instant motion, in view of difficulties involved in organization of a new law firm by its counsel contemporaneously with somewhat extensive investigations in connection with the motion. The request was denied (FCC 64R–299, released May 13, 1964) on the ground that the appropriate course in such cases is to plead good cause at the time of late filing. Dover has now filed such a motion in conformance with the requirements of Rule 1.229 and the Board is of the view that sufficient cause has been demonstrated, in view of the fact that no delay or prejudice has been occasioned thereby.

4. Tuscarawas' application proposes to duplicate the programming of its daytime only AM station, WBTC, now operating under program test authority in Uhrichsville, Ohio, seven miles from New Philadelphia. WBTC applied on December 5, 1963, for a license, but did not at that time file a corporate balance sheet. Subsequently a transfer of control of the applicant corporation was effected and James Natoli, Jr., became a 93.4 percent stockholder.[3] Tuscarawas' financial qualification in the instant proceeding is contingent upon Natoli's commitment to lend the corporation $28,000. No balance sheet has been filed by Natoli since October 1963, before the transfer was effected. Dover requests addition of a financial qualifications issue in view of the uncertainty of the financial positions of both the corporation and its principal shareholder, Natoli. Tuscarawas has now filed a corporate balance sheet and has asserted the continuing accuracy of Natoli's original balance sheet as indicating his ability to meet the loan commitment.

5. In October, 1963, when Natoli drew his balance sheet, he was credited with 10 shares of Tuscarawas stock at $100, and his balance sheet showed no liabilities and liquid assets of $28,328.30, consisting wholly of cash and marketable stocks and bonds. While he has received 89 more shares at $500 since that time, and Tuscarawas' present corporate balance sheet reflects receipt of the $44,500, the source of the funds expended by Natoli for this acquisition is unexplained. Tuscarawas merely asserts that: "Natoli's net worth has reflected on the FM application is intact and he is in a position to lend the corporation $28,000.00 for the purpose of constructing and operating the FM station." In view of the fact that Natoli represented his assets as $23,328.30 in 1963, and now alleges that, after intervening expenditure of $44,500, he still retains a balance of $28,328.30, the Board is of the view that his financial position is sufficiently unclear that addition of the requested issue is required. See Burlington Broadcasting Company v. FCC, Case. No. 17988, 2 RR 2d 2005 (decided March 19, 1964).

6. In requesting addition of an issue to determine Tuscarawas' efforts to discover and serve the programming needs of its proposed community (Suburban issue), Dover argues that no showing has been made of an independent investigation to determine the needs and interests of New Philadelphia, where Tuscarawas proposes duplication for the community's first local FM outlet[4] of "all" the programs of its Uhrichsville AM facility, WBTC. Dover also asserts that differences between Uhrichsville and New Philadelphia suggest separate and distinct needs: according to 1960 Census figures New Philadelphia's population (14,241) is more than double Uhrichsville's (6,201); New Philadelphia has a fairly large percentage of residents of foreign origin (one in seven), whereas only one in every thirty persons in Uhrichsville is of foreign origin; and the communities' schools, public services and governments are entirely separate.

7. The Broadcast Bureau would support Dover's petition only if Tuscarawas fails to offer in its responsive pleading "an affirmative showing that it in fact made a bona fide effort to determine the needs of New Philadelphia for its first FM broadcast outlet." The Bureau also points out that Tuscarawas originally designated Uhrichsville as its principal community "but subsequently amended to designate New Philadelphia without in any way amending its programming."

8. In its opposition pleading Tuscarawas cites Natoli's familiarity with Uhrichsville, of which he is a lifelong resident and states that he listens to all the nearby stations and that he has "ample knowledge of the listening habits, needs and desires of the area residents." Tuscarawas further states that prior to filing its AM application for Uhrichsville, a programming investigation had been made and a site selected in New Philadelphia, the plan being abandoned because the site had already been chosen by Dover for Station WJER. Tuscarawas then selected a site in Uhrichsville intended to serve the combined area, since the "basic programming interests" of the two communities were found "to be almost identical," with "no great dissimilarity between the two areas." Because of Uhrichsville's foreign population, WBTC carries a weekly one hour Italian language music program.

9. Tuscarawas points out that these contacts, some of which are listed,[5] plus Natoli's knowledge of the area, obviated the necessity for inquiry limited only to the FM application. Tuscarawas refers to Exhibit III attached to its original AM application, citing its "policy with respect to making time available for the discussion of public issues," which would allow for a flexible schedule with frequent public service drop-ins of news and community features. The pleading then details the local public service activities of the Uhrichsville station. Two employees of WBTC from Dover and two from New Philadelphia are relied upon to keep the station abreast of that community's needs. WBTC's Sports Director is also Sports Editor of the New Philadelphia Daily Times. Tuscarawas has not only kept abreast of its original New Philadelphia contracts, but also has made numerous new ones in connection with the operation of WBTC. Among these contacts are a number of prominent New Philadelphia area residents who have appeared on WBTC programs: the mayor and police chief of New Philadelphia; the Sergeant in charge of the New Philadelphia Post of the State Highway Patrol; the Sheriff of Tuscarawas County; the county engineer; the county Executive Director of the Boy Scouts of America; a registered nurse from the Tuscarawas County Tuberculosis Association and one from the County Health Department; the Executive Director of the Health Department; the President of the New Philadelphia Junior Chamber of Commerce; the county Agricultural Agent; and members of the New Philadelphia-based county Little Theatre. Various programs have also been keyed specifically to recognized needs and interests of New Philadelphia residents. For example: the wife of a former manager of WJER appeared on a program which ran over an hour to discuss a subject "she felt was important to the residents of New Philadelphia;" the volume of responsive mail from New Philadelphia to a "Community Bulletins-Trading Post" program led WBTC to expand the length of the program; and listener requests from the community resulted in a local live organ music program. The station also expects its New Philadelphia staff members to "bring ideas to the station relative to topics of interest" from the city and "they themselves have more than cooperated by doing so on their own" as does the station's News Director. Free public service time is constantly available on request to town officials and "a constant effort is being made to make daily contacts to determine the public interest, convenience and necessity of the people" in the town.

10. The demonstrated long term personal familiarity of the Tuscarawas staff with the community; the survey taken in connection with its standard broadcast application; and the continuing efforts of Tuscarawas' standard broadcast operation not only to investigate but also to represent in programming the unique needs of New Philadelphia, are sufficient indicia of the applicant's familiarity with the needs of the proposed community, and obviate the necessity for inclusion of a Suburban issue in this case.

Accordingly, it is ordered, This 25th day of November 1964, that the motion

[3] An amendment reflecting this change in Tuscarawas' corporate structure has been allowed by the Hearing Examiner. FCC 64M–1096, released November 4, 1964.

[4] New Philadelphia has one AM station, WJER, owned and operated by Dover.

[5] Secretary of Chamber of Commerce; Daily Times; Manager of New Philadelphia Airport; one R. L. Dible of Ohio Tower Company; East Ohio Gas Company; Court House; Head Librarian of New Philadelphia; ministers of various churches; mayors of Dover and of New Philadelphia; and head of New Philadelphia Farm Bureau Coop.

to enlarge issues, filed June 9, 1964, by Dover Broadcasting Company, Inc., is granted to the extent reflected herein and is denied in all other respects, and that the issues in this proceeding are enlarged by addition of the following: To determine whether The Tuscarawas Broadcasting Company is financially qualified to construct and operate the proposed facility at New Philadelphia, Ohio.

It is further ordered, That the motion to strike, filed July 24, 1964, by Dover Broadcasting Company, Inc., is denied, and that the petition for acceptance of late filing of motion to enlarge issues, filed June 9, 1964, by Dover Broadcasting Company, Inc., is granted.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12352; Filed, Dec. 2, 1964; 8:47 a.m.]

[Docket No. 15650; FCC 64M-1182]

EAGLE WHARF AND TOWING CO.

Memorandum Opinion and Order Continuing Hearing

In the matter of: Eagle Wharf and Towing Company, St. Louis, Missouri, order to show cause why the license for radio station WP-8577 aboard the vessel "Charles H. West" should not be revoked:

1. A motion by the Chief of the Safety and Special Radio Services Bureau, filed November 24, 1964, requests continuance of the hearing in the above-entitled proceeding from January 5, 1965 until January 13. Bureau recites that its workload requirements make it "extremely impracticable to prepare adequately for a hearing on January 5, 1965", and that counsel for respondent has no objection to the relief requested.

2. It is particularly important that revocation of license proceedings not be delayed. Therefore, in granting the instant motion the Examiner takes the opportunity to point out that procedures are available whereby a few days delay in the convening of the hearing can be put profitably to use in simplifying issues and stipulating basic facts. Provided the parties are willing, or able, in the present case, to work out such agreements, the Examiner requests that these be reduced to writing and submitted to him for approval by December 18, 1964, at the latest.[1]

It is ordered, This 25th day of November 1964, that the motion of the Chief of the Safety and Special Radio Services Bureau, for continuance of hearing, is hereby granted, and the hearing previously scheduled to convene on January 5, 1965 is hereby rescheduled and will convene instead at St. Louis, Missouri on Wednesday, January 13, 1965.

Released: November 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12353; Filed, Dec. 2, 1964; 8:48 a.m.]

[1] Attention is invited to prehearing conference procedures prescribed by the Commission's Rules. The possibility should not be dismissed that the issues in the present proceeding might be resolvable on a stipulated record, thereby avoiding the expenses of a field hearing and expediting the hearing process.

[Docket Nos. 15681, 15682; FCC 64M-1183]

CHARLES L. HAMILTON, SR., ET AL.

Order After Prehearing Conference

In re applications of: Charles L. Hamilton, Sr. and Mildred B. Hamilton (husband and wife), Newton, Iowa, Docket No. 15681, File No. BPH-4379; Richard C. Brandt, Newton, Iowa, Docket No. 15682, File No. BPH-4422; for construction permits.

The Hearing Examiner having under consideration the discussions, agreements, and rulings during prehearing conference held in the above-entitled proceeding today;

It is ordered, This 25th day of November 1964, that the hearing is hereby continued and rescheduled to convene at 10 a.m., Tuesday, February 23, 1965; that direct written cases shall be exchanged (one copy of each exhibit to be provided the Examiner) by the close of business, January 29, 1965; and that counsel will notify each other informally of witnesses they desire to have available for cross-examination by February 15, 1965; and

It is ordered further, That the agreements of counsel during the prehearing conference are hereby approved as set forth in the transcript, which is hereby incorporated by reference herein and shall serve as a guide to the parties in preparing for trial.

Released: November 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12354; Filed, Dec. 2, 1964; 8:48 a.m.]

[Docket No. 15684; FCC 64M-1176]

RADIO 13, INC.

Order Continuing Hearing

In re application of Radio 13, Inc., for renewal of license of Station WHZN Hazleton, Pennsylvania, Docket No. 15684, File No. BR-4064.

At a prehearing conference held on November 23, 1964, counsel for applicant requested a one-month continuance of hearing to afford time: (1) for it to petition the Commission to reconsider the designation for hearing of its renewal application; (2) for it to request the Commission to approve a proposed assignment of license; and (3) for the Commission to act upon each of the foregoing matters; and

It appearing that counsel for the Broadcast Bureau, the only other party to the proceeding, has no objection to grant of the request;

It is ordered, This 23d day of November 1964, that hearing in the above-entitled proceeding is continued from January 18, 1965, to February 18, 1965.[1]

Released: November 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12355; Filed, Dec. 2, 1964; 8:48 a.m.]

[Docket Nos. 15548, 15614; FCC 64R-540]

TRIAD STATIONS, INC., AND MARSHALL BROADCASTING CO.

Memorandum Opinion and Order Amending Issues

In re applications of Triad Stations, Inc., Marshall, Michigan, Docket No. 15548, File No. BPH-4131; Marshall Broadcasting Company, Marshall, Michigan, Docket No. 15614, File No. BPH-4327; for construction permits.

1. Before the Review Board for consideration is a petition to enlarge issues, filed October 1, 1964, by Triad Stations, Inc. (Triad), urging the Board to add as to Marshall Broadcasting Company (Marshall): a financial qualifications, a lack of candor, and a "strike" issue.[1a] Triad and Marshall are mutually exclusive applicants for an FM broadcast station in Marshall, Michigan.[2]

Financial qualifications. 2. Triad's bases for the requested financial issue are three-fold. First, Triad shows that a large part of Marshall's financial plan is a $15,000 line of credit from the Hastings City Bank; that the letter from the bank relies on a pro forma financial statement and speaks of security for the loan; and that the financial statement is not submitted nor is the security identified, both of which Triad alleges to be defects in Marshall's financial showing. Second, Triad alleges that Marshall's financial position has changed drastically since its application was filed. Specifically, Triad relies on Marshall's balance sheet of July 27, 1964,[3] filed by Marshall on August 14, 1964, as part of an application for a license to cover a construction permit for a standard broadcast station (WMRR) in Marshall, Michigan.[4] Triad alleges that this balance sheet shows that Marshall no longer has enough cash on hand and that there are not enough unmortgaged assets to use as security for the $15,000 bank loan. Further, Triad asserts that the first few months of operation of WMRR will drain

[1] This action formalizes an oral ruling made by the Examiner on the record.

[1a] Also before the Board are: comments, filed October 14, 1964, by Broadcast Bureau; opposition, filed October 26, 1964, by Marshall; and reply, filed November 12, 1964, by Triad.

[2] Designation Order, FCC 64-820, released September 8, 1964.

[3] The balance sheet filed with Marshall's instant application is as of November 30, 1963.

[4] This AM construction permit was granted in November, 1963.

Marshall's finances even more. Triad's third basis for a financial issue is that Marshall indicated in its August 14, 1964, license application that unexpected construction costs for WMRR would be met by the sale of additional stock in Marshall ($10,000 worth) and Triad alleges that the ability of Marshall's stockholders to purchase this additional stock has not been established. Triad illustrates this with a May 30, 1964, balance sheet for Barry Broadcasting Co. (Barry),[5] a 56.14 percent stockholder in Marshall, which Triad asserts shows no excess of current assets over current liabilities.

3. Marshall's instant application indicates the construction and initial operation costs to be $20,514.58, consisting of $16,014.58 for construction costs and $4,500 for the first three months of operation.[6] This was to be financed by a $15,000 loan from the Hastings City Bank, Hastings, Michigan, and Marshall's own current assets of over $8,000 in cash. Since that time a new balance sheet has been submitted to the Commission in connection with Marshall's AM application. This most recent information shows that Marshall no longer has an excess of current assets over current liabilities, thus leaving only the $15,000 bank loan to apply toward the needed $20,514.58. Triad's attack on the bank loan has no merit. There is no basis for assuming that the bank has not seen the same financial statements that the Commission has, and as to the security, the bank letter is a firm offer and Triad's concern over adequate security is merely speculation. See Sunbeam Television Corporation, FCC 64R–27, released January 20, 1964. But, even with the bank loan, the above facts show Marshall's resources to be $5,514.58 short of its needs.

4. Marshall comes forward in its opposition with a letter from RCA offering 75% deferred credit on equipment purchases of about $15,000 and a loan commitment of $10,000 from one of Marshall's stockholders. These two items might be adequate to satisfy Marshall's financial needs if they were part of its proposal, but the two items are offered for the first time in Marshall's opposition. They are more properly subjects for an amendment. The Board must decide whether a financial issue is warranted on the basis of the proposal of record, and the record shows Marshall to be some $5,500 short, thus requiring the addition of an issue.

Lack of candor. 5. Triad asserts that the changes in Marshall's financial position are significant, and therefore should have been reported to the Commission. It states that the later balance sheet doesn't cure Marshall's omission because it was submitted in another proceeding.

6. This allegation of Triad's is without merit. It is true that Marshall did not file a more current balance sheet in this proceeding, but it did file one with the Commission. Thus, there was no intent to deceive, only an error of omission.[7]

"Strike" Issue. 7. Triad alleges that Marshall filed its FM application for Marshall, Michigan, solely or in part to delay or obstruct the grant of Triad's application. First, Triad alleges that Marshall and Barry are essentially the same since Barry holds 56.14% of Marshall's stock and the rest of Marshall's stockholders (10) hold 99.2% of Barry. Triad then shows how Barry sought to obtain and keep an FM channel assigned to Hastings, Michigan, where it has an AM station. Since the towns of Hastings and Marshall are the same size, and since Barry has been operating an AM station in Hastings for some time and is therefore established, Triad concludes that Hastings would be the better place to file for an FM station, but Barry has not yet done so. From the foregoing, Triad concludes that Barry and Marshall consciously decided to apply for Marshall, Michigan, only after and because Triad had filed (Marshall filed 3½ months after Triad). Triad also cites the economic benefit to be derived by Marshall's new AM station if Triad's application is delayed or defeated. Triad cites Charles County Broadcasting Co., Inc., FCC 63–821, 25 RR 903.

8. Assuming arguendo that Marshall and Barry are one and the same, the fact that Marshall-Barry decided to apply for Marshall, Michigan, before it applied for Hastings, Michigan, does not prove that the Marshall application is a "strike" application. Any implication of this sort from the above fact is speculative. This leaves the order of filing and economic benefit arguments outstanding against Marshall. Without more, these arguments are insufficient. Marshall filed after Triad but it certainly filed within the permitted time, and the economic benefit to be gained by obtaining an FM station to protect an existing AM station is far less than the economic benefits to be gained by seeking an AM station to protect an FM station, as was the case in Charles County, supra. On the positive side, Marshall avers that it desires the FM grant so that its AM station will have an affiliate.

Accordingly, it is ordered, This 27th day of November 1964, That the petition to enlarge issues, filed by Triad Stations, Inc., on October 1, 1964, is granted to the extent indicated herein, and denied in all other respects, and the issues in this proceeding are enlarged by the addition of the following issue: To determine whether Marshall Broadcasting Company is financially qualified to construct and operate the proposed FM station at Marshall, Michigan.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–12356; Filed, Dec. 2, 1964; 8:48 a.m.]

[5] This balance sheet was submitted by Barry with its application for renewal of the license of Station WBCH, Hastings, Michigan.

[6] The application actually states the total cost to be $19,519.58 specifying $15,014.58 for construction but addition of the component construction figures totals $16,014.58.

[7] Marshall's opposition accuses Triad of "lack of candor" in financial matters. No disposition of this allegation is necessary since an issue can not be requested in a responsive pleading.

[Docket Nos. 15679, 15680; FCC 64M–1181]

TRI-CITIES BROADCASTING CO. AND DAWSON COUNTY BROADCASTING CORP.

Statement and Order After Prehearing Conference

In re applications of David F. Stevens, Jr., tr/as Tri-Cities Broadcasting Co., Cozad, Nebraska, Docket No. 15679, File No. BP–15052; Dawson County Broadcasting Corporation, Cozad, Nebraska, Docket No. 15680, File No. BP–15679; for construction permits.

At today's prehearing conference, among other things the following schedule was directed:

1. Exchange of direct affirmative written case of applicants—January 20, 1965.
2. Receipt of notification of witnesses for cross-examination—February 3, 1965.
3. Notices to take depositions—February 3, 1965.
4. Hearing—February 17, 1965 (rescheduled from December 15, 1964).

So ordered, This 24th day of November 1964.

Released: November 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–12357; Filed, Dec. 2, 1964; 8:48 a.m.]

[Docket No. 15212 etc.; FCC 64M–1178]

TVUE ASSOCIATES, INC., ET AL.

Order Scheduling Prehearing Conference

In re applications of TVUE Associates, Inc., Houston, Texas, Docket No. 15212, File No. BPCT–3161; United Artists Broadcasting, Inc., Houston, Texas, Docket No. 15213, File No. BPCT–3166; for construction permits for new television broadcast stations. In re applications of Integrated Communication Systems, Inc., of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT–3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT–3169; for construction permits for new television broadcast stations. In re applications of United Artists Broadcasting, Inc., Lorain, Ohio, Docket No. 15248, File No. BPCT–3168; Ohio Radio, Incorporated, Lorain, Ohio, Docket No. 15626, File No. BPCT–3348; for construction permits for new television broadcast stations.

United Artists Broadcasting, Inc., filed a motion on November 16, 1964 asking that certain hearing dates be scheduled. United Artists would have the Hearing Examiner hold a prehearing conference on December 1, 1964, in the Lorain case, and suggests trial schedules which it would have the Hearing Examiner establish for the Lorain hearing and for the proceeding in Boston. The Hearing Examiner has fixed certain dates (all more particularly set out in FCC 64M–1069, released October 29, 1964) for the trial of the consolidated issues involving the qualifications of United Artists Broadcasting. Change in that schedule is not

contemplated. But there is disposition to call a further prehearing conference in Lorain in order to consider stipulations, hearing dates, and arrangements for the trial of the other issues. It seems worthwhile now, however, to put off firm trial dates for Boston until decision is had on the pending settlement in the Houston proceeding.

Accordingly, it is ordered, This 24th day of November 1964, that the motion by United Artists Broadcasting, Inc., is granted to the extent that a prehearing conference will be held, as requested, and a further prehearing conference is scheduled for December 1, 1964, at 9:00 a.m., in the Lorain, Ohio proceeding.

Released: November 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12358; Filed, Dec. 2, 1964; 8:48 a.m.]

[Docket Nos. 15429, 15430; FCC 64M-1191]

DOVER BROADCASTING CO. INC., AND TUSCARAWAS BROADCASTING CO.

Memorandum Opinion and Order Continuing Hearing

In re applications of Dover Broadcasting Company, Inc., Dover-New Philadelphia, Ohio, Docket No. 15429, File No. BPH-3560; The Tuscarawas Broadcasting Company, New Philadelphia, Ohio, Docket No. 15430, File No. BPH-4196; for construction permits.

1. The evidentiary hearing herein was scheduled to commence November 30, 1964. See Memorandum Opinion and Order (FCC 64M-942) released September 24, 1964.

2. By Memorandum Opinion and Order (FCC 64M-1096) released November 4, 1964, (a) the application of Dover Broadcasting Company, Inc. was dismissed by the Hearing Examiner on the premise that a grant of said application would substantially violate the Commission's duopoly rules, particularly §§ 73.35, 73.240, and 73.636; [1] and, (b) petition of the Tuscarawas Broadcasting Company for leave to amend its application was granted and the proposed amendment accepted.

3. On November 20, 1964, Dover filed, in part, its appeal to the Commission of rulings embodied in the Memorandum Opinion and Order just referred to, in which Dover's application was dismissed and the Tuscarawas petition to amend its application was granted.

4. Additionally, by Memorandum Opinion and Order released this date (FCC 64R-539), the Review Board has enlarged the issues, *inter alia,* by the addition of the following: "To determine whether The Tuscarawas Broadcasting Company is financially qualified to construct and operate the proposed facility at New Philadelphia, Ohio."

5. Because of the present posture of this proceeding, it is now deemed feasible that the hearing should be scheduled for a later date.

Accordingly, it is ordered, This 27th day of November 1964, in view of the foregoing, that the hearing now scheduled for November 30, 1964, be and the same is hereby rescheduled for January 25, 1965, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12377; Filed, Dec. 2, 1964; 8:49 a.m.]

[Docket No. 15667 etc.; FCC 64M-1188]

KAISER INDUSTRIES CORP., ET AL.

Order Continuing Hearing

In re applications of Kaiser Industries Corporation, Chicago, Illinois, Docket No. 15667, File No. BPCT-3092; Frederick B. Livingston and Thomas L. Davis, d/b as Chicagoland TV Company, Chicago, Illinois, Docket No. 15668, File No. BPCT-3116; Warner Bros. Pictures, Inc., Chicago, Illinois, Docket No. 15669, File No. BPCT-3271; Chicago Federation of Labor and Industrial Union Council, Chicago, Illinois, Docket No. 15708, File No. BPCT-3439; for construction permit for New Television Broadcast Station (Channel 38).

It is ordered, This 27th day of November 1964, on the Chief Hearing Examiner's own motion, that the date for prehearing conference in the above-entitled proceeding is changed from December 2 to December 3, 1964: *And, it is further ordered,* That the formal hearing in the proceeding, which heretofore was scheduled for December 16, 1964, is continued to January 25, 1965, and shall commence on that date at 10:00 a.m. in the Offices of the Commission, Washington, D.C.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12378; Filed, Dec. 2, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-10122 etc.]

CONTINENTAL OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 24, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

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) on or before December 21, 1964.

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 all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where 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 Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price Per Mcf	Pressure base
G-10122 C 11-16-64.	Continental Oil Co.	Tennessee Gas Transmission Co., West Delta Area, Offshore Louisiana.	19.0	15.025
G-15405 E 9-28-64	Ralph Warner, et al. (successor to Dewey Harris, et al.).	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	20.0	15.325
G-15822 E 11-16-64.	Elm Grove Gathering System, Inc. (successor to Coastal States Gas Producing Co.).	Texas Gas Transmission Corp., Elm Grove Field, Bossier Parish, La.	[2] 14.25	15.025
G-17853 E 11-6-64.	CRA, Inc. (successor to Western Petroleum Co.).	El Paso Natural Gas Co., Langlie-Mattix Area, Lea County, N. Mex.	9.0	14.65
G-18146 E 11-6-64.	CRA, Inc. (successor to Western Petroleum Co.).	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	[3] 15.0533	14.65
CI60-310 D 11-12-64.	Socony Mobil Oil Co., Inc.	Tennessee Gas Transmission Co., High Island Field, Cameron Parish, La.	Assigned	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

[1] Memorandum Opinion and Order (FCC 64M-1096) sets out certain details respecting the duopoly rules here involved.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price Per Mcf	Pressure base
CI60-442..... E 10-26-64.	Buttram Texhoma Co., (successor to Dorsey Buttram).	El Paso Natural Gas Co., Red Wash Field, Vintah County, Utah.	[3] 15.384	15.025
CI62-545..... C 10-29-64.	John J. August, et al.....	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	12.0	15.025
CI62-555..... C 11-17-64.	Graham-Michaelis Drilling Co. (Operator), et al.	Northern Natural Gas Co., Sitka Field, Clark County, Kans.	[4] 16.0	14.65
CI62-690..... D 11-13-64.	Paul D. Little (partial abandonment).	Tennessee Gas Transmission Co., Morales Field, Jackson County, Tex.	([5])	
CI62-1545..... E 11-18-64.	Etchieson & Gross Associates (Operator), et al.	Panhandle Eastern Pipe Line Co., Spooney Field, Hansford and Ochiltree Counties, Tex.	17.0	14.65
CI63-20..... D 11-12-64.	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	Assigned	
CI63-489..... C 11-12-64.	Ashland Oil & Refining Co.	Michigan Wisconsin Pipe Line Co., Putnam Area, Dewey County, Okla.	19.5	14.65
CI65-164..... C 11-16-64.[6]	Sunray DX Oil Co. (Operator), et al.	Texas Eastern Transmission Corp., Wharco-Schilling Area, Wharton and Colorado Counties, Tex.	14.6	14.65
CI65-289..... C 11-13-64	Compass Exploration, Inc.	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	13.0	15.025
CI65-424..... A 11-4-64[7] 11-12-64[8]	Pan American Petroleum Corp.	Transcontinental Gas Pipe Line Corp., Johnson's Bayou Field, Cameron Parish, La.	20.625	15.025
CI65-460..... A 11-12-64	Rodman Oil Co.....	El Paso Natural Gas Co., Spraberry Trend Area, Upton and Reagan Counties, Tex.	16.0	14.65
CI65-461..... A 11-12-64	Sinclair Oil & Gas Co.....	El Paso Natural Gas Co., Basin-Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI65-462..... A 11-13-64	J. M. Huber Corp.....	Lone Star Gas Co., Sho-Vel-Tum Field, Carter County, Okla.	15.0	14.65
CI65-463..... A 11-13-64	Gulf Oil Corp.....	Transwestern Pipeline Co., HSA Penn and South Ward Upper Penn Lime Fields, Ward County, Tex.	16.75	14.65
CI65-464..... A 11-13-64	....do.....	Transwestern Pipeline Co., North Ward-Estes (Yates) Field, Ward and Winkler Counties, Tex.	16.75	14.65
CI65-465..... A 11-13-64	....do.....	Transwestern Pipeline Co., Coyanosa Field, Pecos County, Tex.	16.75	14.65
CI65-466..... A 11-13-64	....do.....	Transwestern Pipeline Co., Waha Field, Reeves and Pecos Counties, Tex.	16.75	14.65
CI65-467..... A 11-13-64	....do.....	Transwestern Pipeline Co., Worsham Field, Reeves County, Tex.	16.75	14.65
CI65-468..... A 11-13-64	....do.....	Transwestern Pipeline Co., Sand Hills San Andres Intermediate Zone, Crane County, Tex.	16.75	14.65
CI65-469..... B 11-16-64	Amerada Petroleum Corp.	Texas Eastern Transmission Corp., Melrose Field, Goliad County, Tex.	Depleted	-----
CI65-470..... A 11-16-64	Tidewater Oil Co.....	El Paso Natural Gas Co., Roach Area, Reagan County, Tex.	16.0	14.65
CI65-471..... A 11-16-64	The Pure Oil Co.....	Transcontinental Gas Pipe Line Corp., Block 208 Field, Ship Shoal Area, Gulf of Mexico (offshore from Louisiana).	19.0	15.025
CI65-472..... A 11-16-64	Southern Union Production Co.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	17.0	14.65
CI65-473..... A 11-13-64	Shell Oil Co.....	Natural Gas Pipeline Co. of America, South Taloga Field, Dewey County, Okla.	17.0	14.65
CI65-474..... F 11-16-64	Ocean Drilling & Exploration Co. (Operator), et al. (successor to Socony Mobil Oil Co., Inc.).	Transcontinental Gas Pipe Line Corp., West Half of Block 12, South Pelto Area, offshore Louisiana.	20.625	15.025
CI65-475..... A 11-18-64	Milton S. Yunker (Operator), et al.	Texas Gas Transmission Corp., Sugar Creek Field, Hopkins County, Ky.	15.0	15.025
CI65-476..... A 11-18-64	Bruce L. Wilson (Operator), et al.	Arkansas Louisiana Gas Co., Jefferson Field, Marion County, Tex.	10.5	14.65
CI65-477..... B 11-18-64	Colvin Oil & Gas Co.....	Hope Natural Gas Co., Freemans Creek District, Lewis County, W. Va.	Uneconomical	-----
CI65-478..... B 11-18-64	Jake L. Hamon.....	Northern Natural Gas Co., Southeast Floris Field, Beaver County, Okla.	Depleted	-----
CI65-479..... B 10-15-64	H. W. Bass & Sons, Inc....	Wilcox Trend Gathering System, Inc.,[9] Melrose Field, Goliad County, Tex.	Depleted	-----
CI65-480..... A 11-19-64	E. K. Edmiston.....	Cities Service Gas Co., Sharon Northwest Field, Barber County, Kans.	14.0	14.65
CI65-481..... A 11-19-64	Texaco Inc.....	Transcontinental Gas Pipe Line Corp., Big Foot Field, Frio County, Tex.	14.69575	14.65
CI65-482..... A 11-19-64	Union Oil Co. of California (Operator), et al.	Transcontinental Gas Pipe Line Corp., Block 208 Field, Ship Shoal Area, offshore Terrebonne Parish, La.	19.0	15.025
CI65-483..... A 11-19-64	Humble Oil & Refining Co.	The Nueces Co., Belding Field, Pecos County, Tex.	9.0	14.65

[1] Plus 1.75 cents per Mcf Louisiana Severance Tax Reimbursement.
[2] Price currently being collected subject to refund in Docket No. G-20411.
[3] Initial rate provided for in Opinion No. 359, issued June 11, 1962, in Docket Nos. CI60-333, et al.
[4] Subject to B.t.u. adjustment.
[5] Applicant assigned its working interest below the depth of 5000' of the surface to Humble Oil & Refining Co.
[6] Adds production of gas from deeper zones.
[7] Application previously noticed Nov. 12, 1964 in Docket Nos. G-10139, et al. at a rate of 18.575 cents per Mcf.
[8] Applicant filed amendment to application to reflect an initial rate of 20.625 cents per Mcf in lieu of 18.575 cents per Mcf.
[9] Merged into Texas Eastern Transmission Corp.

[F.R. Doc. 64-12275; Filed, Dec. 2, 1964; 8:45 a.m.]

LEGAL ADVISORY COMMITTEE

Determination of Continuance

NOVEMBER 25, 1964.

Pursuant to Paragraph 8 of the Commission's Order Establishing National Power Survey Advisory Committees and Prescribing Procedures, issued March 22, 1962, the Commission hereby determines that it would be in the public interest to continue the existence of the Legal Advisory Committee for an additional year from November 30, 1964.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12332; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65-132]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 9, 1964, Arkansas Louisiana Gas Co. (Applicant), Slattery Building, Shreveport, La., filed in Docket No. CP65-132 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate certain facilities for the direct attachment of new industrial customers to Applicant's interstate pipelines for the calendar year 1965. The application states that the construction projects for which authorization is requested will not increase the capacity of Applicant's transmission systems and will not provide for any additional or inreased gas sales volumes under jurisdictional rate schedules.

The application further states that deliveries to one consumer through the facilities to be installed under the authorization sought here will not exceed 100,000 Mcf annually and none of the gas delivered will be used by any consumer for boiler fuel purposes, as defined by the Commission.

The application further states that the proposed facilities will consist of approximately 200 pipeline taps for individual domestic and commercial customers, for new town border connections, or for rural extensions to serve distribution customer consumers, to whom gas will be sold directly by Applicant from pipeline taps in existing market areas in which Applicant shall have obtained all requisite local and state authorization; and approximately 150 pipeline taps, and under proper conditions serv-

ice lines or market laterals, for direct sale of natural gas to consumers who will use the gas solely for one or more of the following purposes: Road building, irrigation, agriculture, oil and gas field production and processing, general use in schools and hospitals located in areas outside of local distributors' franchise areas, small manufacturing and service companies, mining and ore processing, forest products and lumbering, and government and National Defense installations; and miscellaneous rearrangements of Applicant's pipeline facilities not resulting in any change of service rendered by means of the facilities involved.

The estimated cost of the facilities is not to exceed $300,000, and will be financed with current funds.

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) on or before December 18, 1964.

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 believes that an order 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.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12318; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. RI62-511 [1]]

HERMAN BROWN ESTATE ET AL.

Order Substituting Respondent and Redesignating Proceeding

NOVEMBER 23, 1964.

On April 16, 1964, Herman Brown Estate filed in Docket No. RI62-511 a motion to be substituted as respondent in said proceeding in lieu of Herman Brown who died on November 15, 1962. By letter order dated May 28, 1964, Herman Brown Estate, et al., was substituted in lieu of Herman Brown, et al., as a temporary certificate holder in Docket No. G-18479 and Herman Brown, et al. FPC Gas Rate Schedule No. 6 was redesignated as the rate schedule of Herman Brown Estate, et al.[2]

[1] Consolidated with Docket No. AR64-2, et al.

[2] The rate suspended in Docket No. RI62-511 has not been made effective.

The Commission orders: Herman Brown Estate, et al., be and it is hereby substituted in lieu of Herman Brown, et al., as respondent in the pending proceeding in Docket No. RI62-511, and said proceeding is redesignated accordingly.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-12319; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65-134]

CENTRAL NATURAL GAS CO.

Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 10, 1964, Central Natural Gas Co. (Applicant), 201 East Main Street, Vermillion, S. Dak., filed in Docket No. CP65-134 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (Northern) to establish physical connection of its natural gas transmission facilities with the distribution facilities proposed to be constructed by Applicant, and to deliver natural gas to Applicant for distribution and resale to the Sioux Alfalfa Meal Co. (Sioux) and the unincorporated Village of Meckling, S. Dak. (Meckling), all as more fully set forth in the application on file with the Commission and open to public inspection.

Deliveries to Sioux are proposed on an interruptible basis and deliveries to Meckling are proposed as firm.

The estimated initial three year period of annual and peak day requirements are estimated to be:

	First year	Second year	Third year
Annual (Mcf)	116,662	116,662	228,907
Peak day (Mcf):			
a. Winter	42	42	42
b. Summer (Sioux Plant)	900	900	1,800

The estimated total cost to Applicant for construction is $70,124, and will be financed from current funds.

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) on or before December 18, 1964.

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 believes that an order 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.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12320; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65-137]

CITIES SERVICE GAS CO.

Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 19, 1964, Cities Service Gas Co. (Applicant), Post Office Box 1995, Oklahoma City, Okla., filed in Docket No. CP65-137 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate miscellaneous meter and regulator equipment, field gathering lines and compressors, to enable it to take into its main pipeline facilities natural gas which it purchases during the calendar year 1965.

Total estimated cost of the facilities is $3,000,000, with single project limitation not to exceed $500,000.

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) on or before December 18, 1964.

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 believes 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.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12321; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65–150]

CITIES SERVICE GAS CO.

Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 23, 1964, Cities Service Gas Co. (Applicant), P.O. Box 1995, Oklahoma City, Okla., filed in Docket No. CP65–150 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate metering and regulating facilities at a point in Harper County, Okla., where Transwestern Pipeline Co.'s 10-inch Laverne lateral intersects Applicant's 26-inch Oklahoma-Hugoton pipeline. The application states the proposed facilities are for the purpose of obtaining an additional supply of gas for the coming winter to supplement Applicant's present supplies. The application further states that pursuant to an agreement, dated November 6, 1964, Transwestern agrees to sell and deliver to Applicant such quantities of natural gas as Applicant may require and as Transwestern may have available for delivery to Applicant up to 50,000 Mcf per day for a period ending six months after the date of first deliveries under the agreement or the date Transwestern is ready to commence deliveries of gas pursuant to authorization issued in Docket No. CP64–104, whichever date is earlier.

The estimated cost of the proposed facilities is $10,000, which Applicant proposes to finance with treasury cash.

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) on or before December 21, 1964.

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 believes 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.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–12322; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65–144]

COLORADO INTERSTATE GAS CO.

Notice of Application

NOVEMBER 25, 1964.

Take notice that on November 20, 1964, Colorado Interstate Gas Co. (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colo., filed in Docket No. CP65–144 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to El Paso Natural Gas Company (El Paso) and the construction and operation of pipeline facilities in Moore County, Tex., all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to sell and deliver to El Paso, on an interruptible basis, such volumes of natural gas as El Paso desires to purchase up to the maximum volumes Applicant might have available from time to time, pursuant to an agreement of the parties dated November 9, 1964. Applicant seeks further authority to construct and operate a meter station for possible deliveries to El Paso under said Agreement.

The estimated cost of the facilities is $45,596, and will be defrayed with internal funds.

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) on or before December 18, 1964.

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 believes 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.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–12323; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65–145]

COLORADO INTERSTATE GAS CO.

Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 20, 1964, Colorado Interstate Gas Co. (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colo., filed in Docket No. CP65–145 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities near Rawlins, Wyo., all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to control the BTU content of its total combined gas stream from Wyoming to help meet its contractual requirements and improve operating efficiency. In order to accomplish this control, Applicant proposes to construct and operate a hydrocarbon extraction plant on the site of its present Rawlins Compressor Station.

The estimated cost of the facilities is $4,882,000; capital required for construction will be obtained through a combination of current working funds and any necessary short term loans.

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) on or before December 18, 1964.

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 believes 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.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–12324; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65–146]

COLORADO INTERSTATE GAS CO.

Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 20, 1964, Colorado Interstate Gas Co. (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colo., filed in Docket No. CP65–146 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in Cimarron County, Okla., all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate gas measurement and regulating facilities necessary to deliver natural gas to Plateau Natural Gas Co.

(Plateau). Plateau proposes to purchase approximately 150,000 Mcf of natural gas per year initially, pursuant to an agreement between the parties dated September 15, 1964.

Applicant is advised that this gas will be resold to operate seasonal irrigation pumps, so that the volumes will be delivered to Plateau in the off-peak periods of the year. Therefore, Plateau does not propose to increase its presently effective contract demand quantity.

The estimated cost of the facilities is $7,260, and will be defrayed with current working funds.

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) on or before December 18, 1964.

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 believes 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.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12325; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65-126]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 5, 1964, Columbia Gulf Transmission Co. (Applicant), 3805 West Alabama Ave., Houston, Tex., filed in Docket No. CP65-126 a budget-type application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate during the calendar year 1965 certain facilities necessary to take into its main line system natural gas purchased by United Fuel Gas Co. from producers in the general area of Applicant's existing transmission system.

The application proposes total construction not to exceed $500,000, with no single project to exceed $125,000. The proposed construction of facilities will be financed from funds on hand.

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) on or before December 18, 1964.

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 believes 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.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12326; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. E-6515]

DETROIT EDISON CO. AND CONSUMERS POWER CO.

Notice of Application

NOVEMBER 25, 1964.

Take notice that on November 13, 1964, the Detroit Edison Co. (Edison), incorporated under the laws of the State of New York, and doing business in the State of Michigan with its principal place of business at Detroit, Mich., and Consumers Power Co. (Consumers), incorporated under the laws of the State of Maine, and doing business in the State of Michigan with its principal business office at Jackson, Mich., filed a joint application for authority, pursuant to section 202(e) of the Federal Power Act, authorizing an export of electric energy from the United States to Canada of not to exceed 1,000,000,000 kilowatt hours per year and at a maximum transmission rate of not to exceed 750,000 kva.

Edison has previously been authorized to transmit to the Hydro-Electric Power Commission of Ontario (Hydro) not to exceed 1,000,000,000 kwh of electric energy per year at a rate not to exceed 600,000 kva. Edison's transmission was pursuant to an Interconnection Agreement between Edison and Hydro through which the facilities of Edison and Hydro were operated in coordination. Applicants propose to replace that coordination agreement with a new agreement coordinating the facilities of Consumers, Edison and Hydro.

Coordination under the earlier Agreement had been accomplished over two transmission ties, one over the Detroit River connecting Edison's Waterman Station located on the property of its Delray Power Plant in Detroit, Mich. with Hydro's J. Clark Keith generating station near Windsor, Ontario, and another over the St. Clair River between Edison's Marysville Station at its Marysville Power Plant near Marysville, Mich. and Hydro's Sarnia transformer station located in the vicinity of Sarnia, Ontario. Edison proposes to add another transmission line tie over the St. Clair River to connect its St. Clair Station located on the site of its St. Clair Power Plant in East China Township near St. Clair, Mich. and Hydro's Lambton generating station to be located near Courtright, Ontario.

According to the application, Consumers and Edison fully coordinate their planning for future bulk power supply and their day-to-day operations and the inclusion of Consumers as a third party provides a broader base for mutual assistance during war or peacetime emergencies and for effecting operating economies.

Any person desiring to be heard or to make any protest with reference to the application should on or before December 21, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12327; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket Nos. E-7099, E-7193]

GEORGIA POWER CO.

Order Accepting Rate Schedules for Filing and Providing for Hearing, Suspension of Other Rate Schedules and Consolidation of Proceedings

NOVEMBER 25, 1964.

By this order the Commission accepts for filing four rate schedule submittals of Georgia Power Company (Georgia), suspends for one day two other rate schedule submittals of Georgia, orders a hearing on the lawfulness of the suspended rate schedules, and consolidates with that docket, for hearing purposes, an earlier rate investigation which the Commission initiated by its order to show cause issued May 27, 1963, Docket No. E-7099. That order requires Georgia to justify certain dual rates and other restrictive service provisions in the Company's wholesale power contracts with municipally or cooperatively owned electric distribution systems which contracts are embodied in rate schedules of Georgia, on file with this Commission pursuant to section 205 of the Federal Power Act.

The rate schedule provisions herein suspended and set for hearing embody dual rate and restrictive service provisions similar to those questioned in the Commission's earlier order. Our pur-

pose there and here is to determine the lawfulness of dual rates and restrictive service provisions which may inhibit Georgia's wholesale electric customers in the development of their respective electric utility operations. We do not question whether Georgia's schedules of filed rates and charges for service to municipal and cooperatively owned electric systems are unjust, unreasonable and unlawful for reasons of rate level.

The proffered rate schedule submittals here before the Commission were tendered for filing by Georgia on October 28, 1964, pursuant to section 205 of the Federal Power Act, and comprise a primary service agreement and supplements thereto for wholesale electric service to the City of Cairo, Georgia at two delivery points. The agreement and supplements are identified in the files of the Commission as follows: [1]

Georgia Power Company Rate Schedule FPC No. 671
Supplement No. 1 to Rate Schedule FPC No. 671
Supplement No. 2 to Rate Schedule FPC No. 671
Supplement No. 3 to Rate Schedule FPC No. 671
Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. 671
Supplement No. 2 to Supplement No. 3 to Rate Schedule FPC No. 671

Supplement Nos. 1 and 2 to Rate Schedule FPC No. 671 and Supplement Nos. 1 and 2 to Supplement No. 3 to Rate Schedule FPC No. 671 consist of contracts and amendments thereto whereby Georgia agrees to supplement the energy the City of Cairo receives from the Southeastern Power Administration (SEPA) and to supply to the City of Cairo energy to make up any deficiency in the energy the City of Cairo is entitled to receive as a preference customer from SEPA in the event SEPA is unable to supply the specified amount.

Under the proposed Rate Schedule FPC No. 671 and Supplement No. 3, Georgia would substitute rates and charges reflected in its WR–4 rates for those set forth in the company's M–4 rate. The latter rate, an inherited rate from a predecessor corporation, Georgia Power & Light Company, was applied by Georgia at one of its delivery points to the City of Cairo prior to March 1, 1960. Data submitted in connection with the subject rate schedule filings indicate that Georgia commenced billing to Cairo at that point on and after March 1, 1960 at Rate W–4 although having on file with this Commission its Rate M–4. Under the proposed rate filings, Rate WR–4 would be applied to the second delivery point also. Available data indicates that Georgia Power commenced service at the additional delivery point effective during July, 1962, without completing a rate schedule filing prior thereto.

Georgia's Rate M–4 is a straight net energy charge of 7.75 mills per kilowatt hour. The Company's Rate WR–4 is a blocked energy rate ranging from 15 mills per kilowatt hour for the first 150 kwh per kw of demand per month to 5 mills per kilowatt hour for all kwh in excess of 30,000 per month. A blocked resale credit ranging from 5 mills to 1 mill per kilowatt hour is made applicable to service rendered by the customer to utility customers purchasing small amounts of electric service. As applied to the City of Cairo, the application of Rate WR–4 instead of M–4 would result in a rate reduction of approximately $14,000 for the 12 month period ending December 31, 1963, at the two delivery points.

Included in the proffered filings is the following provision:

> And provided further, as to future extension of the limits of the City of Cairo, any new industrial customer who uses in excess of 100 kilowatts demand located in said extended city limits shall make the decision as to whether or not the City of Cairo or Georgia Power Company shall serve it electrical energy. All other customers located in said extended city limits shall be served by the City of Cairo unless Georgia Power Company is specifically requested by the City of Cairo to serve said customer; however, in the event of a new industrial customer, as defined above, which was caused to be located in said extended city limits by the efforts of Georgia Power Company, then Georgia Power Company shall have the right to serve said new industrial customer. An industrial customer is defined as any customer who is engaged in the manufacture of a finished product, the extraction, fabrication or processing of a raw material, or the transportation or preservation of a raw material, or a finished product, for use as motive power, or for other legitimate power requirements in the operation of his industrial plant. Incidental lighting necessary for proper operation of plant machinery or for office use on same premises may be included. No service may be resold, nor transmitted to other premises nor used in related commercial enterprise.

As indicated above, the Commission by order issued May 27, 1963, Docket No. E–7099, directed Georgia to justify the retention of certain restrictive provisions in its filed rate schedules for service to municipally-owned and cooperatively-owned utility systems. Among other things, that order questions the just and reasonableness of Georgia's Rate WR–4 and directs the Company to justify its restrictive provisions determining the type of loads which the Company's municipal and cooperatively-owned resale purchasers might undertake to serve, chiefly larger loads. To date, several settlement conferences have been convened in Docket No. E–7099 at the initiative of the Commission's staff as contemplated in our order of May 27, 1963, but no hearings have been held.

During those conferences, representatives of Georgia, the American Public Power Association, the Power Section of the Georgia Municipal Association and various municipal and cooperatively-owned wholesale customers of the Company stated their views and comments concerning dual rates and restrictive provisions. Their views have been reported to the Commission.

Although Georgia has proposed, informally, certain compromise arrangements for the dual rate and restrictive provisions challenged by our earlier order, agreement has not been reached among the Company and all of its affected customers. Georgia has stated its willingness to enlarge in some measure the areas within which it will afford unrestricted service to municipal and cooperatively-owned customers.

A considerable number of its customers have indicated a willingness to agree to the new terms tentatively offered by way of settlement. However a substantial number of the municipal customers, together with a somewhat lesser number of the cooperatives have not agreed to these offers either because they believe that there should be no such dual rate or restrictive service agreements required as a condition of service (there are no service conditions in some of the municipal contracts) or because they believe the proposed increased ceilings are still too restrictive under the circumstances prevailing.

Under the circumstances, the Commission believes an opportunity for hearing on the questions raised by its order to show cause issued May 27, 1963, will facilitate a clarification of currently unresolved matters in Docket No. E–7099. This order consolidates for hearing purposes that docket with the order for hearing and suspension respecting Georgia's subject rate schedule submittals for service to the City of Cairo, Georgia.

The Commission further finds:

(1) It is necessary and appropriate for the purposes of the Federal Power Act, particularly section 205, that the following rate schedules of Georgia be accepted for filing as that Company's rate schedules effective November 28, 1964, without hearing and suspension:

Supplement No. 1 to Rate Schedule FPC No. 671
Supplement No. 2 to Rate Schedule FPC No. 671
Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. 671
Suplement No. 2 to Supplement No. 3 to Rate Schedule FPC No. 671

(2) As applied to Georgia's total rates or charges for service to the City of Cairo, Georgia, the resale credit provisions of Rate WR–4 and the above quoted restrictive service provisions may have the effect of restricting municipally-owned wholesale customers of Georgia from reselling to certain classes of customers power purchased from Georgia under rate schedules filed pursuant to the Federal Power Act. They constitute rates, charges or classifications, rules, regulations, practices or contracts affecting rates, charges, classifications and services subject to the jurisdiction of this Commission within the meaning of sections 205 and 206 of the Federal Power Act which may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful.

(3) In view of the foregoing it is necessary and appropriate for the purpose of the Federal Power Act that the Commission pursuant to the authority of that Act, particularly sections 205, 206, 308 and 309 thereof, enter upon a hearing concerning the lawfulness of Georgia's rate schedule FPC No. 671 and Supplement No. 3 thereto, and that the operation of that rate schedule and supplement be suspended and the use there-

[1] The various supplemental rate schedule designations to Georgia's Rate Schedule FPC No. 671 are for identification purposes only and do not assume prior effectiveness of Rate Schedule FPC No. 671 as a condition of operability of any supplements.

of be deferred as hereinafter provided. Unless suspended by order of the Commission, Georgia's Rate Schedule FPC No. 671 and Supplement No. 3 thereto will become effective as a rate schedule pursuant to the provisions of the Federal Power Act on November 28, 1964.

(4) Consolidation of the hearing ordered herein in Docket No. E–7193 and the hearing in Docket No. E–7099 for hearing purposes is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 308 and 309 thereof.

The Commission orders:

(A) Georgia's Rate Schedules as referred to in finding (1) above are hereby accepted for filing to become effective November 28, 1964: *Provided, however:* Acceptance for filing does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the Rate Schedules; nor shall acceptance be deemed as recognition of any claimed contractual right or obligation affecting or relating to such rate or service; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereinafter instituted by or against Georgia Power Company.

(B) A public hearing shall be held concerning the lawfulness of Georgia's Rate Schedules FPC No. 671 and Supplement No. 3 thereto, and the rate schedule provisions cited by the Commission's order to show cause issued May 27, 1963; that hearing to be convened on February 15, 1965 at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426.

(C) For purposes of the hearing ordered in paragraph (B) above, Docket Nos. E–7099 and E–7193 are hereby consolidated.

(D) Pursuant to the provisions of section 205 of the Federal Power Act, the operation of Georgia's proposed Rate Schedule FPC No. 671 and Supplement No. 3 thereto are hereby suspended and the use thereof deferred until November 29, 1964. On that date the proposed rate schedules shall go into effect in the manner prescribed by section 205 of the Federal Power Act, subject to further order of the Commission.

(E) During the period of suspension Georgia's currently filed Rate Schedule for service to the City of Cairo, Georgia shall remain and continue in effect.

(F) Unless otherwise ordered by the Commission, Georgia shall not change the terms or provisions of its proposed Rate Schedule FPC No. 671 and Supplement No. 3 thereto, or its currently filed rate schedules to be superseded thereby until this proceeding has been disposed of or until the period of suspension has expired.

(G) Notice of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37) on or before December 31, 1964.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–12328; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65–139]

IOWA SOUTHERN UTILITIES CO.

Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 16, 1964, Iowa Southern Utilities Company (Applicant), 300 Sheridan, Centerville, Iowa, filed in Docket No. CP65–139 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Company of America (Natural) to establish physical connection of its natural gas transmission facilities with the distribution facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for distribution and resale in the community of Ainsworth, Iowa, all as more fully set forth in the application on file with the Commission and open to public inspection.

The estimated initial three year period of annual and peak day requirements are stated to be:

	First year	Second year	Third year
Annual (Mcf)	12,831	18,119	23,201
Peak day (Mcf)	129	181	232

The estimated cost of Applicant's proposed distribution system is $88,986, and will be financed with internally generated funds.

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) on or before December 18, 1964.

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 believes that an order 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.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–12329; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. G–8152 etc.]

MARATHON OIL CO.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity and Redesignation Rate Proceedings

NOVEMBER 27, 1964.

On August 17, 1962, Marathon Oil Company (Applicant) filed an application pursuant to section 7(c) of the Natural Gas Act to amend the certificates heretofore issued to The Ohio Oil Company (Ohio) by changing the name of the certificate holder to Marathon Oil Company, in order to reflect a change in name from Ohio to Marathon. Concurrently, Marathon filed a petition to be substituted as respondent in lieu of Ohio in its pending rate suspension proceedings.

The application shows that on June 4, 1962, the name of The Ohio Oil Company was changed to Marathon Oil Company, effective August 1, 1962, by resolution of responsible officials of the corporation with the approval of the stockholders. There is no change in corporate structure.

Accordingly, the orders issuing certificates of public convenience and necessity in the docket numbers hereinafter listed will be amended by changing the name of the certificate holder from The Ohio Oil Company to Marathon Oil Company, and the rate proceedings pending in Docket Nos. RI60–259, RI60–260 and RI61–296 will be redesignated.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to The Ohio Oil Company in Docket Nos. G–8152, G–11807, G–11808, G–11809, G–11810, G–11811, G–11812, G–11813, G–11814, G–11815, G–11816, G–11817, G–11818, G–11819, G–11820, G–11822, G–11823, G–11824, G–11825, G–11827, G–11828, G–11829, G–11842, G–12185, G–12243, G–12282, G–12293, G–12525, G–12578, G–13871, G–14346, G–14441, G–14613, G–15021, G–16193, G–16442, G–17637, G–18003, G–20133, CI60–497, CI60–719, CI62–966 and CI62–1476 be and the same are hereby amended to change the name of the certificate holder to Marathon Oil Company, and in all other respects said orders shall remain in full force and effect.

(B) The orders issuing certificates of public convenience and necessity to The Ohio Oil Company (Operator), et al., in Docket Nos. G–10199, G–11821, G–13373, G–13565, G–15385, CI60–393, CI61–572, CI61–753 and CI61–1072 be and the same are hereby amended to change the name of the certificate holder to Marathon Oil Company (Operator), et al., and in all other respects said orders shall remain in full force and effect.

(C) The name of the applicant in the proceedings pending in Docket Nos. CI62–1475 and CI62–1477 be and the same is hereby changed from The Ohio Oil Company to Marathon Oil Company.

(D) The name of the respondent in the rate proceeding pending in Docket No. RI60–259 [1] be and the same is hereby

[1] Consolidated with Docket No. AR61–1, et al.

changed from The Ohio Oil Company (Operator), et al., to Marathon Oil Company (Operator), et al.; the name of the respondent in the rate proceedings pending in Docket Nos. RI60–260 [1] and RI61–296 be and the same are hereby changed from The Ohio Oil Company to Marathon Oil Company; said proceedings are hereby redesignated accordingly; and the agreements and undertakings previously filed by The Ohio Oil Company in said dockets shall remain in full force and effect as though filed by Marathon Oil Company.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 64–12330; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. RI65–292 etc.]

H. J. MOSSER ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Consolidating Proceedings, and Setting Date for Hearing

NOVEMBER 27, 1964.

Jonnell Gas, Incorporated (Operator), et al. (Jonnell) [1a] on October 30, 1964, tendered for filing proposed changes in its presently effective rate schedule for jurisdictional sales of natural gas to Tennessee Gas Transmission Company (Tennessee) in Texas District No. 4. The proposed periodic rate increases are from initial rates of 16.5 cents [2] and 17.24 cents [3] to 18.0 cents [2] and 18.74 cents,[3] respectively, at 14.65 p.s.i.a.[4]

The proposed changes are designated as follows:

Docket No. RI65–331

Producing area: Lopeno and Northeast Lopeno Fields, Zapata County, Texas (R.R. Dist. No. 4).
Rate schedule designation: Supplement No. 15 to Jonnell's Rate Schedule No. 1.
Notice of change filed: October 30, 1964.
Effective date: November 30, 1964.[5]
Annual increase: $89,100.
Date suspended until: April 30, 1965.

Under section 4(a) of the Natural Gas Act all rates which are not just and reasonable are declared unlawful. If after a hearing the Commission finds the proposed increased rates unjust and unreasonable they must be disallowed.

In two recent certificate cases [6] we have imposed a moratorium on all price increases in excess of 18 cents per Mcf for sales in Texas District No. 4 because any rate increase filings to a level above 18 cents would have an adverse impact on the pricing structure in this area through the operation of price redetermination clauses. It is therefore clear that if Jonnell's increased rate of 18.74 cents is permitted to become effective subject to refund, such increase will affect future rate redeterminations in other producer contracts in the area. Such increase will also trigger favored-nation increases in producer contracts. Accordingly, it is necessary that we set this matter for immediate hearing as hereinafter ordered.

By order issued October 30, 1964, in H. J. Mosser, Docket No. RI65–292 and J. C. Trahan, Drilling Contractor, Inc., Docket No. RI65–293, we suspended two proposed increased rates above 18 cents for sales to Tennessee from Texas District No. 4 and set the cases for immediate hearing for the same reason we have done so here.[7] We think it appropriate to consolidate Docket Nos. RI65–292 and RI65–293 with the instant proceeding. We shall therefore modify our prior order of October 30 insofar as it relates to procedural matters respecting the time for filing Respondents' direct cases and the initial hearing date. Direct presentations by the Respondents will be incorporated into the record on the first day of hearing and cross-examination thereon will proceed immediately without recess. In view of the need for expeditious action, the hearing examiner is directed to take all steps necessary to make certain that the hearing proceeds with the greatest dispatch.

Jonnell requests waiver of the thirty day statutory notice period to permit the instant filing to become effective as of November 1, 1964. Good cause for granting such waiver has not been shown.

The increased rates and charges so proposed 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 subject proposed changes, that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered, that Jonnell's proceeding be consolidated with the proceedings in Docket Nos. RI65–292 and RI65–293 for the purpose of hearing, and that appropriate hearing procedures be prescribed.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 15 and 16 thereof, the Commission's rules of practice and procedure and the Regulations under the Natural Gas Act (18 CFR, ch. I), the above-styled proceedings are hereby consolidated for the purpose of hearing and a public consolidated hearing shall be held on January 26, 1965, commencing at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the proposed increased rates involved in such proceedings.

(B) Pending such hearing and decision thereon, Supplement No. 15 to Jonnell's Rate Schedule No. 1 is hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) On or before January 8, 1965, Respondents shall serve upon staff and all parties to the respective proceedings their direct evidence in support of their proposed increased rates and charges for the subject sales. At the beginning of the hearing, witnesses for Respondents shall adopt their testimony and be cross-examined; the Presiding Examiner shall then determine and order such further procedures as will expedite the determination of the issues in these proceedings.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Ordering paragraphs (A) and (C) of the said order of October 30, 1964, are hereby modified to conform with the provisions of this order.

(F) Notices of intervention or petitions to intervene in Docket No. RI65–331 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 December 24, 1964.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 64–12331; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65–138]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 13, 1964, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP65–138 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate certain facilities, during the calendar year 1965, necessary to transport and receive into its main pipeline system new supplies of gas available from producing areas located adjacent to its system.

Applicant also requests authority to construct and operate horsepower and pipeline additions to present gathering systems. Such additions will be located

[1] Consolidated with Docket No. AR61–1, et al.

[1a] Address is: D–205 Petroleum Center, 900 Northeast Loop Expressway, San Antonio, Texas, 78209

[2] Rates for properties covered by contract amendments dated May 1, 1961 and March 15, 1962.

[3] Rates for properties covered by basic contract and contract amendments dated February 1, 1961 and December 1, 1961.

[4] Rates set forth here are subject to downward B.t.u. adjustment.

[5] The stated effective date is the first day after expiration of the required statutory notice.

[6] Opinion No. 422, Amerada Petroleum Corporation et al. Docket No. CI62–1544, et al.; order issued February 24, 1964, Hassie Hunt Trust (Operator), et al., Docket No. G–19115, et al.

[7] Had these producers filed "fractured" increased rates not in excess of 18 cents per Mcf, there would have been no necessity for setting these matters for immediate hearing.

between the last point of gathering and the mainline in order to maintain mainline design pressures and to transport additional volumes of gas developed in these existing areas.

The application proposes total construction not to exceed $5,000,000, with single project limitation not to exceed $500,000. The proposed facilities will be financed from cash on hand or from cash generated from operations.

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) on or before December 18, 1964.

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 believes 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.

Uuder the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing..

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–12333; Filed, Dec. 2, 1964; 8:46 a.m.]

[Project No. 2483]

PACIFIC GAS AND ELECTRIC CO.

Notice of Land Withdrawal; California

NOVEMBER 27, 1964.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power Project No. 2483 for which completed application for license (Major) was filed July 20, 1964, by Pacific Gas and Electric Company, San Francisco, California. Under said section 24 these lands are from date of filing of said application, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

MOUNT DIABLO MERIDIAN, CALIFORNIA

Those portions of the following subdivisions lying within the project boundary as delimited upon map, Exhibit K, sheet 1A, entitled "Map of area included in Narrows Power Project" (FPC No. 2483–2):

T. 16 N., R. 6 E.,
Sec. 14: Lot 5 and SW¼SE¼.

The area reserved pursuant to the filing of this application is approximately 1.56 acres and was acquired by the United States in connection with the Upper Narrows debris dam constructed by the Corps of Engineers.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128), with respect to the lands reserved for transmission line rights-of-way only, is applicable to those portions of the above described lands occupied for that purpose.

Copies of the afore-mentioned map, Exhibit K, sheet 1A (FPC No. 2483–2) have been transmitted to the Corps of Engineers, Geological Survey and the Bureau of Land Management.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–12334; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. G–13603]

PERMIAN OIL AND GAS CO.

Notice of Petition To Amend

NOVEMBER 25, 1964.

Take notice that on October 8, 1964, The Permian Oil and Gas Company (Applicant), Olive Shopping Land, Caldwell, Ohio, filed in Docket No. G–13603, a petition to amend the order of the Commission issued on December 19, 1957, as amended on September 29, 1958, and further amended by order issued July 24, 1959, directing The Ohio Fuel Gas Company to sell and deliver up to 179 Mcf per day of natural gas to Applicant for distribution and sale in Somerton, Ohio.

Applicant now requests that the volume of gas be increased to 195 Mcf per day in 1965, 205 Mcf per day in 1966, 208 Mcf per day in 1967, 212 Mcf per day in 1968 and 215 Mcf per day in 1969 for resale and delivery in and around the Village of Somerton, Ohio.

Applicant states that because of the rapid decline of its supply of natural gas from its local production during peak day loads, the majority of its future requirements must be secured from The Ohio Fuel Company which exceed the maximum volume per day as fixed by the Commission's order sought to be amended.

Protests, petitions to intervene or requests for hearing in this proceeding 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) on or before December 14, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–12335; Filed, Dec. 2, 1964; 8:46 a.m.]

[Project No. 2062]

OKANOGAN COUNTY, WASHINGTON

Order Fixing Hearing

NOVEMBER 25, 1964.

On October 27, 1964, the Departments of Fisheries and Game of the State of Washington filed a motion for an order fixing hearing pursuant to the Commission's order of August 13, 1956, granting rehearing with respect to Article 26 of the license issued by the Commission's order of June 26, 1956, in the proceeding on the application by Public Utility District No. 1 of Okanogan County, Washington, for license for constructed Project No. 2062.

In the petition for leave to intervene filed November 8, 1956, by the Departments of Fisheries and Game of the State of Washington, petitioners supported Applicant's request to hold action on the application for rehearing in abeyance pending the outcome of negotiations with the Applicant together with representatives of the Department of Interior respecting Article 26, which concerns fish passage facilities.

In its motion filed October 27, 1964, intervenors state that no solution to the fish passage problems have been reached and request that the matter be set for hearing.

It appears that subsequent to the issuance of the order of August 13, 1956, granting rehearing, the Applicant has discontinued operation of the project. Consequently the scope of the hearing should be enlarged to include matters relating to the feasibility of licensing the project.

The Commission finds: It is desirable and in the public interest to hold a public hearing respecting the matters involved and the issues presented by the application for license for Project No. 2062.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), and 10(a) and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held December 16, 1964, at 10 a.m., local time, respecting matters involved in and the issues presented by the application for license for Project No. 2062. The place of the hearing is to be fixed by further notice by the Secretary.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–12336; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. G–18570 etc.]

RESERVE OIL AND GAS CO.

Order Amending Order Making Successor in Interest Co-Respondents, Redesignating Proceedings and Accepting Successor's Agreements and Undertakings

NOVEMBER 25, 1964.

By order issued August 11, 1964, in the above-entitled proceedings, Reserve Oil and Gas Company (Reserve) was made a co-respondent with Producing Properties, Inc. (Producing) in such suspension proceedings.[1] By the same order there

[1] Husky Oil Company (Operator), et al., and Haynes and V. T. Drilling Company are also co-respondents in Docket No. RI60–13.

were accepted for filing agreements and undertakings tendered by Reserve to assure the refund of any excess charges which might be determined by final order in these proceedings to have accrued on or after September 1, 1963, insofar as such refunds relate to gas sold under rate schedules to which Reserve had succeeded.

On October 21, 1964, Reserve filed motions requesting that Producing be relieved of all refund liabilities in the subject suspension proceedings and that it be permitted to assure the refund of any excess charges which might be determined by final order in these proceedings to have accrued not only for the period after September 1, 1963, but also for the period prior to such date, insofar as such refunds relate to gas sold under rate schedules succeeded to by Reserve from Producing. Concurrent with its motion, Reserve filed an agreement and undertaking in each of the subject rate suspension proceedings assuming such obligations.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the Regulations thereunder that the Commission's order issued August 11, 1964, in the above-designated proceedings be amended so as (1) to permit Reserve to assure the refund of any excess charges which might be determined by final order in these subject proceedings to have accrued prior to as well as subsequent to September 1, 1963, insofar as such refunds relate to gas sold under the rate schedules succeeded to by Reserve from Producing, and (2) to dismiss Producing as a respondent in these proceedings.

The Commission orders:

(A) The Commission's order issued August 11, 1964, in the above-designated proceedings is hereby amended so as to permit Reserve Oil and Gas Company to assure the refund of any excess charges which might be determined by final order in these proceedings to have accrued prior to as well as subsequent to September 1, 1963, insofar as such refunds relate to gas sold under the rate schedules succeeded to by Reserve Oil and Gas Company from Producing Properties, Inc.

(B) The agreements and undertakings filed October 21, 1964, in the above-entitled proceedings are hereby accepted for filing.

(C) Producing Properties, Inc. is hereby dismissed as a respondent in the above-entitled proceedings, and such proceedings are redesignated to reflect such dismissal.

(D) All other provisions of the Commission's August 11, 1964, order issued in the above-designated proceedings shall remain in full force.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-12337; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65-143]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 19, 1964, Texas Eastern Transmission Corporation (Applicant), Southern National Bank Building, Houston, Texas, filed in Docket No. CP65-143 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate facilities to enable it to take into its pipeline system natural gas which it purchases in the general area of its system from time to time during the calendar year 1965, as the gas becomes available to it, at a total cost not in excess of $5,000,000 and with single project limitation not to exceed $500,000. Applicant proposes to finance the cost of the proposed facilities from funds on hand.

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) on or before December 18, 1964.

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 believes 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.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12338; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65-105]

UNITED GAS PIPE LINE CO.

Notice of Application

NOVEMBER 23, 1964.

Take notice that on October 19, 1964, United Gas Pipe Line Company (Applicant), P.O. Box 1407, Shreveport, Louisiana, 71102, filed in Docket No. CP65-105 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation of natural gas in interstate commerce to Humble Oil and Refining Company (Humble) in Cherokee County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 75 feet of 2-inch pipe line and sales meter and regulator station and appurtenant equipment near Milepost 55.9 on the 6-inch Longview Compressor Station to Huntsville lateral, being all in the James H. Shaw A-769 Survey, Cherokee County, Texas.

Applicant proposes to use the above described facilities to provide for the sale and delivery of natural gas to Humble for use as make-up gas in Humble's gas lift operations in Neches Oil Field, Cherokee County, Texas. Estimated peak day and annual requirements of Humble of 300 Mcf and 50,000 Mcf respectively, will be purchased at a cost of 34.3 cents per Mcf.

The cost of the proposed facilities is $1,841, which will be defrayed by (Applicant) out of its current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and 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 may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where 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.

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) on or before December 18, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-12339; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP64-226]

UNITED GAS PIPE LINE CO.

Notice of Application

NOVEMBER 27, 1964.

Take notice that on April 6, 1964, United Gas Pipe Line Company (Appli-

cant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP64–226 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to convert to interstate operation certain of its existing intrastate facilities, located in Duval, Jim Wells, San Patricio, Live Oak and Bee Counties, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to convert to interstate operation its Bruni-Comal Line which consists of approximately 108.3 miles of 14-inch, 18-inch and 20-inch pipe and the tie cross-over between the Bruni-Comal Line and Pettus Junction which consists of approximately 3.7 miles of 16-inch pipe.

The application shows that gas is presently transported in interstate commerce from Applicant's Southwest Zone to its Central Zone by means of its certificated Agua Dulce-Sterlington Line. At the present time gas flows from the San Antonio District to the Agua Dulce-Sterlington Line from several sources, two of them being Applicant's 18-inch Orange Grove-Agua Dulce Line and 18-inch Pettus-Refugio Line. Applicant proposes to connect the Bruni-Comal Line, together with the fields connected thereto, to the Agua Dulce-Sterlington Line through the Orange Grove-Agua Dulce Line.

Applicant states that, as a result of the loss of a major intrastate load in San Antonio, it has an excess supply of gas as connected to its Bruni-Comal Line. Applicant further states that it is necessary from time to time to augment the supply of gas for the Agua Dulce-Sterlington Line, and, therefore, it proposes to take approximately 29,652 Mcf on a peak day of the excess gas in the Bruni-Comal Line and flow it into the Agua Dulce-Sterlington Line.

The total cost to convert the subject facilities is estimated to be under $25,000. Said costs represent certain yard and station rearrangements at Agua Dulce.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and 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 may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where 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.

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) on or before December 21, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–12340; Filed, Dec. 2, 1964; 8:46 a.m.]

[Project No. 2486]

WISCONSIN MICHIGAN POWER CO.

Notice of Application for License

NOVEMBER 25, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 USC 791a–825r) by Wisconsin Michigan Power Company (correspondence to: W. E. Schubert, Vice President, Wisconsin Michigan Power Company, 807 South Oneida Street, Appleton, Wisconsin) for license for constructed Project No. 2486 known as the Pine Plant, located on the Pine River, in Florence County, Wisconsin.

The Pine Plant consists of: (1) A gravity type dam approximately 42 feet high with an overall length of 647 feet consisting of a 358 foot earth embankment 186 feet of which contains a concrete core wall, a closed concrete dam section 146 feet long and a canal entrance 19 feet wide; (2) a concrete spillway 124 feet long containing seven Tainter gates located between the earth embankment and closed concrete dam; (3) a 170 acre reservoir with a normal headwater elevation of 1,191.1 feet; (4) a power canal 1,515 feet long ending with a headworks section containing two sliding type head gates and two steel penstocks nine feet in diameter and 337 feet long; (5) a powerhouse, the substructure of reinforced concrete and the superstructure steel, reinforced concrete and brick masonry, equipped with two vertical turbines having a total capacity of 6,000 hp directly connected to two generators having a total capacity of 3,200 kw; (6) an indoor 2.3/69 kv substation in powerhouse; and (7) appurtenant electrical and mechanical facilities.

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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 11, 1965. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–12341; Filed, Dec. 2, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

NOVEMBER 27, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, 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 Exchanges 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, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 28, 1964, through December 7, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64–12313; Filed, Dec. 2, 1964; 8:46 a.m.]

[File No. 70–4239]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposal To Acquire Securities of Non-Utility Company

NOVEMBER 27, 1964.

Notice is hereby given that General Public Utilities Corporation ("GPU"), 80 Pine Street, New York, N.Y., 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 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 therein proposed, which are summarized as follows:

GPU proposes to acquire (1) 50,000 shares (50 percent of the total amount authorized) of the $1 par value common stock of Laing-Vortex, Inc. ("Laing") to be issued by that corporation, at a cash price of $10 per share or $500,000,

and (2) Laing's unsecured 6 percent promissory three-year note for a cash consideration equal to the principal amount thereof, $230,000.

Laing, a New York corporation, was recently organized for the purpose of promoting the manufacture and marketing on a national scale of electric space heaters, air-conditioners, and other electrical equipment employing a new kind of fan called a "tangential blower" or "vortex fan". Such activities by Laing will be conducted under certain United States patents, patent rights, technical information and related material and agreements owned by Beteiligungsaktiengesellschaft Fuer Haustechnick ("H–T"), a Swiss corporation, which are to be assigned to Laing by H–T. The remaining 50 percent of Laing's authorized common stock will be deposited in escrow and, upon satisfaction of the conditions of the related escrow agreement, will ultimately be delivered to H–T as part consideration for such assignment to Laing; the balance of the consideration will be a cash payment of $230,000 to H–T by Laing.

GPU states that the primary reason for its proposed investment in Laing is its belief that the utilization of the tangential blowers in products consuming electricity, particularly in space-heating and air-conditioning, will significantly increase the consumption of electricity in the service area of the GPU system, as well as in other areas; that the stimulation of the use of electric energy in GPU's service area is functionally related to the operations of the GPU holding company system; and that the proposed investment in Laing is but one facet of GPU's more comprehensive program designed to increase the market for the service supplied by the GPU system companies.

GPU states further that its objectives in respect of its proposed investment in Laing will be sufficiently satisfied if it can assist Laing through the developmental and demonstration stages for its products. Accordingly, GPU proposes to divest itself of its interest in Laing within a period of not more than five years after its acquisition thereof and consents to the inclusion of a condition in the Commission's order herein that such divestment shall be effected within three years after acquisition, provided, that GPU be permitted to make application for an extension, not exceeding two years, of the time within which the divestment may be accomplished. In that connection the terms of the $230,000 note to be acquired from Laing will permit an extension of the initial three-year maturity thereof for such an additional period in excess of three years as GPU may be permitted to retain its interest in Laing.

The application states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. All fees, commissions and expenses to be incurred in connection with the proposed transactions will be filed by amendment.

Notice is further given that any interested person may, not later than December 18, 1964, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for the request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission 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 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 by 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. 64–12314; Filed, Dec. 2, 1964; 8:46 a.m.]

[File No. 812–1727]

HANNA MINING CO.

Notice of Filing of Application for Order Authorizing Transactions by Affiliated Persons

NOVEMBER 27, 1964.

Notice is hereby given that The Hanna Mining Company ("Hanna Mining"), 100 Erieview Plaza, Cleveland, Ohio, approximately 46.5 percent of the outstanding voting stock of which is owned by The M. A. Hanna Company ("M. A. Hanna"), a closed-end non-diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(b) of the Act for an order of the Commission authorizing the proposed purchase by Inland Steel Company ("Inland") and The Wheeling Steel Corporation ("Wheeling") of part of Hanna Mining's holdings of the capital stock of Butler Brothers, a Minnesota corporation ("Butler"). Hanna Mining, Inland and Wheeling own respectively 46.471 percent, 32.529 percent and 21 percent of the outstanding voting stock of Butler. Under the Act, Hanna Mining is presumptively controlled by M. A. Hanna, and Inland and Wheeling are each affiliated persons of an affiliated person of M. A. Hanna. All interested persons are referred to the application on file with the Commission for a complete statement of applicant's representations which are summarized below.

Butler is engaged in owning, leasing and operating iron ore properties in Minnesota. Pursuant to an agreement dated May 25, 1959, Hanna Mining, Inland and Wheeling are entitled and required to purchase from Butler, respectively, 23.53 percent, 46.47 percent and 30 percent of Butler's iron ore production. In order to increase their respective equity interests in Butler, Inland and Wheeling propose to purchase from Hanna Mining an aggregate of 27,108.27 shares of Butler common stock, of which 16,532.09 shares will be purchased by Inland and 10,576.18 by Wheeling, at $38 per share, or a total of $1,030,114. Such purchases will reduce Hanna Mining's equity interest in Butler to 37.5 percent and increase the equity interest held by Inland and Wheeling to 38 percent and 24.5 percent, respectively.

The proposed price of $38 per share is the price which Butler paid in November 1963 and January 1964 when it repurchased 82,488.16 shares, or 21.44 percent of its outstanding stock, held by various members of the Butler family. The application states that in such prior transaction the price was fixed after consideration of all relevant factors, including the book value of the stock, the earnings record, the extent and nature of the remaining ore reserves and the increased value of Butler's large taconite deposits resulting from the present availability of a process for concentrating and pelletizing taconite. Applicant represents that there has been no change in conditions since such prior transaction which would significantly affect the price negotiated at that time.

The application further represents that Hanna Mining's negotiations with Inland and Wheeling have been conducted at arm's length. Hanna Mining and Inland have no common directors; Hanna Mining has one common director with Wheeling, W. A. Marting, who is President and a director of Hanna Mining and is one of the 16 directors of Wheeling.

Hanna Mining acquired its stock interest in Butler in 1959 as a result of a merger of another ore company into Butler. Hanna Mining's average cost for its Butler stock is approximately $8.11 per share.

Hanna Mining has filed an application under section 17(d) of the Act regarding transactions proposed by Hanna Mining, Inland and Wheeling for the development of the magnetic taconite properties of Butler, including construction of the necessary facilities for concentrating and pelletizing magnetic taconite ore. This application, which will be the subject of a separate notice summarizing the representations made in the application, is on file with the Commission for public examination.

Notice is further given that any interested person may, not later than December 18, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served

is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–12315; Filed, Dec. 2, 1964; 8:46 a.m.]

[File No. 1–4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Suspending Trading

NOVEMBER 27, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, 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, 1964, through December 7, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–12316; Filed, Dec. 2, 1964; 8:46 a.m.]

[File No. 812–1688]

UNITED LIFE INSURANCE INVESTORS CORP.

Notice of Filing of Application for Exemption of Closed-End Investment Company

NOVEMBER 27, 1964.

Notice is hereby given that United Life Insurance Investors Corporation ("Applicant"), 4625 East Broadway, Tucson, Arizona, an Arizona corporation, has filed an application and an amendment thereto pursuant to section 6(d) of the Investment Company Act of 1940 ("Act") and Rule 6d–1 promulgated thereunder, for an order of the Commission exempting it from certain provisions of the Act. Applicant has undertaken to effect compliance with such provisions of the Act as the Commission may, pursuant to section 6(e) of the Act, deem necessary or appropriate in the public interest or for the protection of investors, and with such conditions as the Commission may impose pursuant to section 6(d) of the Act.

The provisions of the Act from which applicant requests exemption are as follows:

Section 7; section 8(b), except the requirements to file the information required by Items 3, 4 and 5 of Form N–8B–1 and to report to the Commission any changes thereafter in respect thereof; section 14; section 20(a); section 23(c); section 24(d) insofar as such section makes inapplicable the provisions of section 3(a)(11) of the Securities Act of 1933 to any securities of a registered investment company; section 30(a); section 30(b), except that applicant shall, pursuant to section 30(b)(2), file with the Commission copies of all reports sent to stockholders pursuant to section 30(d), of which the annual reports to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30(e); section 30(f), to the extent that the subject persons shall not be required to file reports more than once each six months; and section 32(a); provided, that the applicant shall continue to comply with the provisions of sections 6(d)(1) and 6(d)(2) of the Act and shall at all time maintain its classification as a closed-end company as defined in section 5(a)(2) of the Act.

All interested persons are referred to the application which is on file with the Commission for a full statement of applicant's representations which are summarized below.

Applicant is a closed-end, diversified investment company, and was incorporated on November 5, 1963. Its authorized capital stock consists of 10,000,000 shares of $1.00 par value common stock. The only outstanding securities of applicant are 11,050 shares of common stock which were sold solely to residents of the State of Arizona at a cash price of $1.00 per share, or a total of $11,050. Applicant proposes to sell 88,850 additional shares of its common stock solely to residents of the State of Arizona at a cash price of $1.00 per share, or a total of $88,850.

Applicant has not commenced operations and virtually all of its assets now consist of cash. Applicant represents that its primary objective is to seek long-term capital gains through investment in the common stocks of life insurance companies, and that 100 percent of its securities portfolio shall consist of the common stock of legal reserve life insurance companies.

The Division of Corporate Regulation of the Commission has recommended that the Commission grant exemptions from the provisions of the Act requested by Applicant and order that Applicant and other persons in their transactions and relations with Applicant shall be subject to all other provisions of the Act and the Rules thereunder as though Applicant were a registered investment company.

Notice is further given that any interested person may, not later than December 16, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–12317; Filed, Dec. 2, 1964; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

WHEELING DOLLAR SAVINGS & TRUST CO.

Order Approving Acquisition of Bank's Assets

In the matter of the application of Wheeling Dollar Savings & Trust Co. for approval of acquisition of assets of South Wheeling Bank and Trust Company.

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 Wheeling Dollar Savings & Trust Co., Wheeling, West Virginia, a State member bank of the Federal Reserve System, for the Board's prior approval of its acquisition of assets and assumption of deposit liabilities of South Wheeling Bank and Trust Company, Wheeling, West Virginia. Notice of the proposed acquisition of assets and assumption of deposit liabilities, 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 Department of Justice on the competitive factors involved in the proposed transaction:

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 acquisition of assets and assumption of deposit liabilities shall not be consummated (a) within seven calendar days after the date of this Order, or (b) later than three months after said date.

Dated at Washington, D.C., this 25th day of November 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64-12296; Filed, Dec. 2, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 30, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39423: *Alcohols from Baytown and Channel View, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8644), for interested rail carriers. Rates on alcohols and related articles, in carloads, from Baytown and Channel View, Tex., to points in Minnesota and North Dakota.

Grounds for relief: Market competition.

Tariff: Supplement 315 to Southwestern Freight Bureau, agent, tariff I.C.C. 4064.

FSA No. 39424: *Asphalt to Points in WTL Territory.* Filed by Trans-Continental Freight Bureau, agent (No. 423), for interested rail carriers. Rates on asphalt (asphaltum), in tank-car loads, subject to minimum of 10 carloads per shipment, from Billings, East Billings, Great Falls, and Laurel, Mont., also Cody, Wyo., to specified points in western trunk-line territory.

Grounds for relief: Carrier competition.

Tariff: Supplement 32 to Trans-Continental Freight Bureau, agent, tariff I.C.C. 1701 and 3 other schedules named in the application.

FSA No. 39425: *Starch or Dextrine to Charlotte, N.C.* Filed by O. W. South, Jr., agent (No. A4599), for interested rail carriers. Rates on starch and related articles, in carloads and tank-car loads, from East St. Louis, Ill., and St. Louis, Mo., to Charlotte, N.C.

Grounds for relief: Rate relationship.

Tariff: Supplement 197 to Southern Freight Association, agent, tariff I.C.C. S-116.

FSA No. 39426: *Iron or Steel Plates to Tampa, Fla.* Filed by O. W. South, Jr., agent (No. A4602), for interested rail carriers. Rates on iron or steel plates, in carloads, from East St. Louis, Ill., to Tampa, Fla.

Grounds for relief: Barge competition.

Tariff: Supplement 155 to Southern Freight Association, agent, tariff I.C.C. S-163.

FSA No. 39427: *Grain and Grain Products from and to Points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 524), for interested rail carriers. Rates on grain and grain products and related articles, in carloads, from specified points in Texas, to specified points in Texas.

Grounds for relief: Carrier competition.

Tariff: Supplement 12 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 1012.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-12371; Filed, Dec. 2, 1964; 8:49 a.m.]

[Notice 1085]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 30, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66307. By order of November 25, 1964, the Transfer Board approved the transfer to G. LeRoy Pease, doing business as Inland Transfer & Storage Company, Spokane, Wash., of the operating rights claimed in No. MC 121531 under the "grandfather" clause of section 206(a)(7)(b), Interstate Commerce Act, by Frank L. Peterson and Robert L. McClary, a partnership, doing business as Inland Transfer Company, Spokane, Wash., and the substitution of transferee as applicant for a certificate of registration from this Commission, corresponding to the grant of intrastate authority to transferor issued by the Washington Public Service Commission in No. CC-4915. R. Maurice Cooper, West 704 First, Spokane, Wash., attorney for applicants.

No. MC-FC 67103. By order of November 25, 1964, the Transfer Board approved the transfer to Schock Transfer Co., Inc., 655 Industrial Blvd., Kansas City, Kans., of the operating rights issued by the Commission April 1, 1958, under Certificate No. MC 33298, to E. C. Schock, doing business as E. C. Schock Transfer, 655 Industrial Blvd., Kansas City, Kans., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, and other specified commodities, between points in Kansas City and North Kansas City, Mo., and Kansas City, Kans., and points within 10 miles of each; and household goods, as defined by the Commission, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas.

No. MC-FC 67206. By order of November 25, 1964, the Transfer Board, on reconsideration, approved the transfer to C & D Transportation Co., Inc., 962 Bay Bridge Rd., P.O. Box 1503, Mobile, Ala., of the operating rights in Certificate No. MC 118087, issued November 15, 1960, to G. R. DeWitt, Girby Rd., Mobile, Ala., authorizing the transportation over irregular routes, of: Bananas and coffee beans, from New Orleans, La., and Mobile, Ala., to specified cities in Indiana, Georgia, Kentucky, Missouri, Ohio, and Tennessee.

No. MC-FC 67309. By order of November 25, 1964, the Transfer Board approved the transfer to Olive May Whitney Hodgkins, doing business as Triangle Bus Line, 111 Main St., Farmington, Maine, of the Certificate in No. MC 11973, issued June 13, 1942, to Philip C. Hodgkins, doing business as Triangle Bus Line, 111 Main Street, Farmington, Maine, authorizing the transportation of: Passengers and their baggage, and mail, between Farmington and Waterville, Maine, and between Farmington and Rangeley, Maine, serving specified intermediate and off-route points.

No. MC-FC 67327. By order of November 25, 1964, the Transfer Board approved the transfer to Pollard Delivery Service, Inc., Washington, D.C., of Certificate No. MC 75332 issued June 7, 1937 to Michael E. McKenney, doing business as Commercial Transfer Company, 32 East Montgomery St., Baltimore, Md., authorizing the transportation of general commodities, including household goods, excluding commodities in bulk, over regular route, between the fixed termini, and to and from the intermediate and off-route points, as follows: between Baltimore, Md., and Alexandria, serving the intermediate points of Laurel, Beltsville, College Park and Riverdale, Md., and Washington, D.C. and off-route points of Bailey's Crossroads and Fort Myer, Va., and Jessups and Chevy Chase, Md.; and canned goods over irregular routes, from Houston, Glasgow, Wyoming, Smyrna, Dover, and Camden, Del., to Baltimore, Md., and Washington, D.C., and from Baltimore, Md., to Perryville and Aberdeen, Md. James J. Doherty, 303 East Fayette St., Eighth Floor, Baltimore, Md., 21202, representative for transferee.

[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 Richmond. 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, Mills, and Mitchell. Voting against this action: Governor Robertson. Absent and not voting: Governors Shepardson and Daane.

No. MC–FC 67356. By order of November 25, 1964, the Transfer Board approved the transfer to Christofferson, Inc., Beloit, Wis., of the operating rights in Certificate No. MC 73553, issued March 28, 1957, to Lee Christofferson, Francis Christofferson, and Mary Christofferson, doing business as Christofferson Moving and Storage Service, Beloit, Wis., authorizing the transportation, over irregular routes, of Household goods, as defined by the Commission, between Beloit, Wis., and other-named cities, in Wisconsin, and points within 5 miles of each, and points in Illinois within 150 miles of Beloit, in a radial movement. Theodore D. Woolsey, 533 East Grand Ave., Beloit, Wis., 53512, attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–12372; Filed, Dec. 2, 1964; 8:49 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order No. 177]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Missouri-Kansas-Texas Railroad Company, due to derailment near Camargo, Oklahoma, is unable to transport traffic routed over its lines.

It is ordered, That,

(a) Rerouting traffic: The Missouri-Kansas-Texas Railroad Company and its connections, being unable to transport traffic in accordance with shippers routing because of derailment, near Camargo, Oklahoma, is hereby authorized to divert or reroute such traffic moving over its line over any available route to expedite the movement, regardless of the routing shown on the waybill. 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 confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is diverted or rerouted 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 such 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 6:00 p.m., November 25, 1964.

(g) Expiration date: This order shall expire at 11:59 p.m., December 2, 1964, unless otherwise modified, changed, suspended or annulled.

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 25, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64–12369; Filed, Dec. 2, 1964; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

FEDERAL REGISTER

Area Code 202 Phone 963–3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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