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FEDERAL REGISTER

VOLUME 29 NUMBER 3

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3566

AMERICAN HEART MONTH, 1964

By the President of the United States of America

A Proclamation

WHEREAS diseases of the heart and the circulatory system are responsible for over one-half the deaths occurring annually; and

WHEREAS over one-half of the ten million Americans afflicted by the cardiovascular diseases are stricken during their most productive years, thereby causing a staggering physical and economic loss to the nation; and

WHEREAS expanded research has contributed improved methods of prevention, diagnosis, and treatment of the cardiovascular diseases; and

WHEREAS substantial progress in combating those diseases is being made by comprehensive educational and community programs which have brought about swift and wide dissemination and use of such improved methods; and

WHEREAS these programs of research and education have resulted largely from the teamwork between the American Heart Association, its chapters and affiliates, and the Federal Government, particularly the Public Health Service through the National Heart Institute and the Heart Disease Control Program; and

WHEREAS the results thus far achieved in combating the cardiovascular diseases give hope that the continuation and expansion of these programs may eventually eliminate these diseases as important causes of death; and

WHEREAS it is essential to the health and well-being of our nation that our citizens be made aware of the medical, social, and economic aspects of the problem of cardiovascular diseases, and the measures being taken to combat them; and

WHEREAS the Congress, by joint resolution approved December 30, 1963, has requested the President to issue annually a proclamation designating February as American Heart Month:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America do hereby proclaim the month of February 1964 as American Heart Month; and I invite the governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States to give heed to the nationwide problem of the heart and blood-vessel diseases, and to support the programs required to bring about its solution.

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

DONE at the City of Washington this 30th day of December in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-141; Filed, Jan. 3, 1964; 9:48 a.m.]

Proclamation 3567

SAVE YOUR VISION WEEK, 1964

By the President of the United States of America

A Proclamation

WHEREAS blindness is a major and increasing social and economic problem in the United States in spite of the great advances in the last two decades in medical care, vastly improved health, and increased longevity of our people; and

WHEREAS visual disorders and defects in our younger population interfere with their proper intellectual, social, and emotional development; and

WHEREAS it is essential to the health of our Nation that our citizens be aware of what is being done and what can be done to control the causes of blindness and visual impairments, and that they avail themselves of opportunities for conserving vision; and

WHEREAS the Congress, by a joint resolution approved December 30, 1963, has requested the President to issue annually a proclamation designating the first week in March of each year as Save Your Vision Week:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the week beginning March 1, 1964, as Save Your Vision Week; and I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations.

I also request the medical and allied health professions, the communications industries, and all interested persons and groups to unite during the designated week in public affirmation of our Nation's effort to conserve the God-given and irreplaceable gift of vision.

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

DONE at the City of Washington this 30th day of December in the year of our Lord nineteen hundred and sixty-three, and of the [SEAL] Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-142; Filed, Jan. 3, 1964; 9:48 a.m.]

Proclamation 3568

UNITED STATES CUSTOMS YEAR

By the President of the United States of America

A Proclamation

WHEREAS August 1, 1964, marks the one hundred and seventy-fifth anniversary of the signing by President George Washington of legislation establishing the United States Customs Service; and

WHEREAS the United States Customs Service provided the principal revenues of the early Republic and assured its financial stability in its days of struggle; and

WHEREAS the controls on imports and exports and on shipping and trade, deemed essential by the founders of the Republic, would have been impossible without implementation by a Customs Service, honest, resourceful, and efficient; and

WHEREAS the Collector of Customs, the Custom House, and the Customs officer have stood for one hundred and seventy-five years as the symbols of Federal authority in the ports and on the waterfronts; and

WHEREAS after one hundred and seventy-five years the ever more complex demands of our economy and our civilization require the Customs Service of the Treasury Department to remain alert and ready to perform on short notice a widening variety of tasks; and

WHEREAS the Congress, by a joint resolution approved December 30, 1963, has requested the President to issue a proclamation designating 1964 as the one hundred and seventy-fifth anniversary of the establishment of the United States Customs Service:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the year 1964 as United States Customs Year; and I request the Bureau of Customs to plan and to participate in appropriate activities recognizing the anniversary to the end that it may serve as an occasion to commemorate the contributions of customs to the health and welfare of every citizen, to the national well-being, and to the development of a sound economy capable of leading the free world and assisting emerging nations.

I also call upon appropriate civic and industrial organizations to cooperate with the Customs Service in recognition of a century and three-quarters of mutually beneficial relationships.

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

DONE at the City of Washington this 30th day of December in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-143; Filed, Jan. 3, 1964; 9:48 a.m.]

Rules and Regulations

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

PART 3—ORGANIZATION

Delegation of Final Authority

DECEMBER 20, 1963.

Pursuant to section 3(a) of the Administrative Procedure Act, notice is hereby given that the Commission has delegated final authority to the Secretary and, in his absence, the Acting Secretary, to grant authorizations, pursuant to the provisions of § 35.1(a) of the Commission's regulations under the Federal Power Act (18 CFR 35.1(a)), for a designated representative to post and file rate schedules of public utilities who are parties to the same rate schedule.

Accordingly, Part 3, § 3.5(a), of Title 18, Code of Federal Regulations (18 CFR 3.5(a)), is amended by adding the following paragraph:

§ 3.5 **Delegations of final authority.**

* * * * *

(a) * * *

(25) Grant authorizations, pursuant to the provisions of § 35.1(a) of this chapter for a designated representative to post and file rate schedules of public utilities who are parties to the same rate schedule.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-53; Filed, Jan. 3, 1964; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1227) filed by Wyandotte Chemicals Corporation, Wyandotte, Michigan, and other relevant material, including data submitted by The Diversey Corporation, 212 West Monroe Street, Chicago 6, Illinois, has concluded that the safe use of di- and trichloroisocyanuric acids and their sodium and potassium salts in sanitizing solutions used on food-processing equipment and utensiles has been demonstrated. Independently of the filed petition, it has been concluded that § 121.2547(b) should be amended to remove the present restriction relative to bromine content and substitute a limitation expressed in terms of available halogen determined as available chlorine. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2547 is amended by revising paragraph (b) and by adding new paragraphs (c) and (d) as follows:

§ 121.2547 **Sanitizing solutions.**

* * * * *

(b) The solutions consist of one of the following:

(1) An aqueous solution containing potassium, sodium, or calcium hypochlorite, with or without the bromides of potassium, sodium, or calcium.

(2) An aqueous solution containing dichloroisocyanuric acid, trichloroisocyanuric acid, or the sodium or potassium salts of these acids, with or without the bromides of potassium, sodium, or calcium.

(c) The solutions identified in paragraph (b)(1) of this section will provide not more than 200 parts per million of available halogen determined as available chlorine, and the solutions identified in paragraph (b)(2) of this section will provide not more than 100 parts per million of available halogen determined as available chlorine.

(d) Sanitizing agents for use in accordance with this section will bear labeling conforming to that registered with the United States Department of Agriculture.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: December 30, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-74; Filed, Jan. 3, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-WE-30]

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

Revocation of Control Zone and Alteration of Transition Area

On October 3, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10679) stating that the Federal Aviation Agency (FAA) proposed to revoke the Delta, Utah, control zone and alter the Delta transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments but no comments were received.

The substance of the proposed amendments having been published, and for reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220-91, November 10, 1962), the Delta, Utah, control zone is revoked.

2. In § 71.181 (27 F.R. 220-139, November 10, 1962, the Delta, Utah, transition area is amended to read:

Delta, Utah

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Delta Municipal Airport (latitude 39°23'-00'' N., longitude 112°30'35'' W.), and within 2 miles each side of the Delta VOR 001° and 196° radials, extending from the 5-mile radius area to 6 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 11 miles E. and 8 miles W. of the Delta VOR 016° and 196° radials, extending from 10 miles N. to 20 miles S. of the VOR.

These amendments shall become effective 0001 e.s.t., March 5, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 26, 1963.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 64-51; Filed, Jan. 3, 1964; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 3014; Amdt. 355]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED EFFECTIVE 18 JAN. 64.

City, Grand Island; State, Nebr.; Airport Name, Grand Island Municipal; Elev., 1846'; Fac. Class., SBMRLZ; Ident., GI; Procedure No. 1, Amdt. 11; Eff. Date, 8 Dec. 62; Sup. Amdt. No. 10; Dated, 18 Nov. 61

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bismarck RBn	LOM	Direct	3300	T-dn	300-1	300-1	*200-½
Bismarck VOR	LOM	Direct	3300	C-d	400-1	500-1	500-1½
Lincoln Int**	LOM	Direct	3300	C-n	400-1½	500-1½	500-1½
Bell Int	LOM	Direct	3300	S-dn-30	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 126° Outbnd, 306° Inbnd, 3300' within 10 miles.

Crs and distance, facility to airport, 306°—5.8 miles.

Minimum altitude over LOM Inbnd final, 3000'.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, climb to 3800' on 261° bearing from BIS RBn or to 3800' on R-262 BIS-VOR within 20 miles or, when directed by ATC, make right climbing turn to 3800' on R-336 BIS-VOR within 20 miles.

Other change: Deletes Caution Note.

*300-1 required on Runways 2, 20, 35 and 17.

**Lincoln Int: Int BIS-VOR R-262 and 306° bearing from LOM.

City, Bismarck; State, N. Dak.; Airport Name, Municipal; Elev., 1653'; Fac. Class., LOM; Ident. BI; Procedure No. 1, Amdt. 15; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 14; Dated, 1 June 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakewood Int	OR LOM (final)	Via OBK R-271 and bearing 138° to OR LOM.	2200	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-14R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
ORD VOR	OR LOM	Direct	2500				
OBK-VOR	OR LOM	Direct	2500				
Warren Int	OR LOM	Direct	2500				
Niles Int	ORD VOR	Direct	2500				
Deerfield Int	OR LOM	Direct	2500				
Elgin Int	OR LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 138°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing OR LOM, turn right to heading 155° and climb to 1500′ then make right climbing turn to 3500′ and proceed to DPA VOR via DPA R-085 or as directed by ATC turn right to heading of 155° and climb to 1500′ then make right climbing turn to 2500′ and proceed to Elgin Int via ORD R-271.
NOTES: Aircraft executing missed approach may be radar vectored after being reidentified. Runway 14R, LOM designated ROMEO; Runway 14L, LOM designated LIMA.
CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD-VOR R-250 and climb to 2000′ before proceeding westbnd. Takeoffs on Runway 32L, when weather is below 2000-3, will intercept ORD-VOR R-306 and climb to 2000′ before proceeding westbnd.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667′; Fac. Class., LOM; Ident., OR; Procedure No. 1, Amdt. 5; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 4; Dated, 10 July 61

Lakewood Int	OH LOM (final)	Via OBK R-271 and 318° bearing from LOM.	2200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-14L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
ORD VOR	OH LOM	Direct	2500				
Warren Int	ORD VOR	Direct	2500				
Niles Int	OH LOM	Direct	2500				
Deerfield Int	OH LOM	Direct	2500				
OBK-VOR	OH LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of NW crs, 318° Outbnd, 138° Inbnd, 2500′ within 10 miles.
Minimum altitude over LOM on final approach crs, 2200′.
Crs and distance, facility to airport, 138°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing OH LOM turn left to heading of 120° and climb to 1500′ make left climbing turn to 3500′ and proceed to Evanston Int, via ORD R-075 or as directed by ATC turn left to heading of 120° climb to 1500′ make left turn climb to 2500′ and proceed to OBK VOR via ORD R-030 and OBK R-135.
NOTES: Aircraft executing missed approach may be radar vectored after being reidentified. Runway 14R, LOM designated "ROMEO"; Runway 14L, LOM designated "LIMA".
CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD-VOR R-250 and climb to 2000′ before proceeding westbnd. Takeoffs on Runway 32L when weather is below 2000-3, will intercept ORD-VOR R-306 and climb to 2000′ before proceeding westbnd.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667′; Fac Class., LOM; Ident., OH; Procedure No. 2, Amdt. 4; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 3; Dated, 28 July 62

Mt. Healthy Int	SI LOM	Direct	2200	T-dn	300-1	300-1	200-½
New Baltimore Int	SI LOM (final)	Direct	2000	C-dn	400-1	500-1	500-1½
Union Int	SI LOM	Direct	2300	S-dn-18	400-1	400-1	400-1
CVG VOR	SI LOM	Direct	2300	A-dn	800-2	800-2	800-2
LUK LFR	SI LOM	Direct	2700				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 360° Outbnd, 180° Inbnd 2000′, within 10 miles.
Minimum altitude over facility on final approach crs 2000′.
Crs and distance facility to airport 180°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing SI LOM, climb to 2000′ on a heading of 180° to the CV LOM.
CAUTION: 1746′ Tower 13 miles NE of airport. 1167′ Tower 19 miles NNE of airport. 1120′ Tower 11 miles NW of airport.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890′; Fac. Class., LOM; Ident., SI; Procedure No. 2, Amdt. 1; Eff. Date, 18 Jan. 64; Sup. Amdt. No. Orig; Dated, 4 Jan. 64

Keller Int	FTW Rbn	Direct	2000	T-dn	300-1	300-1	*200-½
Justin Int	FTW Rbn	Direct	2000	C-dn	600-1	600-1	600-1½
Joshua Int	FTW Rbn	Direct	**2200	A-dn	800-2	800-2	800-2
Roanoke Int	FTW Rbn	Direct	2000				

Radar terminal area** transition altitude 2000′ within 20 miles of radar site. (Greater Southwest International Airport.) Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1749′ TV tower 6 miles SE; 1679′ tower 7 miles SE; 2349′ TV tower 24 miles ESE of airport.
Radar vectoring may be used to position aircraft for final approach within 5 miles N of RBn with elimination of procedure turn.
Procedure turn E side of crs, 354° Outbnd, 174° Inbnd, 2000′, within 10 miles, beyond 10 miles not authorized. (Nonstandard due to ATC requirements.)
Minimum altitude over facility on final approach crs 1500′.
Crs and distance, facility to airport 177°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing FTW RBn, climb to 2000′ on the 175° bearing from FTW RBn within 20 miles.
AIR CARRIER NOTE: Reduction in landing minimums not authorized on cargo or ferry flights.
CAUTION: 956′ grain elevator 1.5 miles N and 990′ grain elevator 1.9 miles N of airport.
*300-1 required for takeoff Runways 9-27 and 13-31.
**2000′ authorized when navigation is conducted in accordance with ATC Radar Control.

City, Fort Worth; State, Tex.; Airport Name, Meacham Field; Elev., 692′; Fac. Class., SABH; Ident, FTW; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Jan. 64, or upon commissioning of facility

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Louisville VOR	SD-LOM	Direct	2100	T-dn	300-1	300-1	200-½
Bourbon Int	SD-LOM	Direct	2500	C-dn	600-1	600-1	600-1½
Bethany Int	SD-LOM	Direct	2300	S-dn-1	600-1	600-1	600-1
Corydon Int	SD-LOM	Direct	2300	A-dn	800-2	800-2	800-2
Harbor Int	SD-LOM	Direct	2300				
Sellersburg Int	SD-LOM	Direct	2600				
New Albany Int	SD-LOM	Direct	2600				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of final approach crs, 190° Outbnd, 010° Inbnd, 2100 feet within 10 miles of SD RBn (LOM).
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 010°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing SD-LOM, make a left climbing turn to 2600' on heading 270°, intercept R-283 LOU VOR, and proceed to Corydon Int. Hold W 1-minute, right turns, 103° Inbnd.
CAUTION: 1060' tower 4 miles N; 760' tower 2 miles N of Standiford Field.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497'; Fac. Class., LOM; Ident., SD; Procedure No. 1, Amdt. 22; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 21; Dated, 6 May 61

Layton FM	SLC RBn (final)	Direct	4900	T-dn*	300-1	300-1	200-½
SLC VOR	SLC RBn	Direct	6900	C-dn	600-1	600-1	600-1½
				S-dn-16L	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 6900', within 10 miles.
Minimum altitude over facility on final approach crs, 4900'.
Crs and distance, facility to Runway 16L, 163°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing SLC Rbn, make climbing right turn to 9000' on crs of 246° within 20 miles.
CAUTION: 5000' terrain 3 miles E of RBn. 4541' tower 1.3 miles SE of RBn.
*1500-2 required T-dn Runway 7.

City, Salt Lake City; State, Utah; Airport Name, L. C. Romney Field; Elev., 4226'; Fac. Class., BH; Ident., SLC; Procedure No. 1, Amdt. 1; Eff. Date, 18 Jan. 64; Sup. Amdt. No. Orig.; Dated, 15 June 63

SAT-VOR	SAT RBn	Direct	2500	T-dn	300-1	300-1	200-½
SAT VOR	SAT RBn (final)	Direct	1500	C-dn	400-1	500-1	#500-1½
				S-dn-17	400-1	400-1	NA
				A-dn	800-2	800-2	#800-2
				If passage of SAT-VOR on final approach not determined, minimums become:			
				C-dn*	700-1	700-1	700-1½
				S-dn-17*	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 355° Outbnd, 175° Inbnd, 2600' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, *1500'.
Crs and distance, SAT RBn to airport, 175°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing SAT RBn, climb to 2500' on 175° bearing from SAT RBn within 20 miles.
NOTE: Radar fix over SAT VOR may be used to determine VOR passage on final approach.
#Runway 17-35 restricted to 2-engine aircraft and smaller.
*Maintain 2200' until S of SAT VOR on final approach. If passage of SAT VOR not determined, minimum altitude over SAT RBn 2200'.

City, San Antonio; State, Tex.; Airport Name, San Antonio International; Elev., 808'; Fac. Class., SABHZ; Ident., SAT; Procedure No. 2, Amdt. 7; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 6; Dated, 28 Dec. 63

Shreveport LFR	LOM	Direct	3000	T-dn	300-1	300-1	200-½
Shreveport VOR	LOM	Direct	3000	C-dn	400-1	500-1	500-1½
Barksdale VOR	LOM	Direct	3000	S-dn-13	400-1	400-1	400-1
Bethany Int	LOM	Direct	3000	A-dn	800-2	800-2	800-2
Lucien Int	LOM	Direct	3000				
Beers Int	Blanchard Int*	Direct	2500				
Blanchard Int*	LOM (final)	Direct	1300				

Radar vectoring authorized in accordance with approved patterns. Radar vectoring may be used to position aircraft for a final approach within 5 miles NW of LOM with elimination of procedure turn.
Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport 135°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 1800' on crs of 135° within 15 miles or, when directed by ATC, turn right, climb to 1800' and intercept the 180° bearing from the LOM within 15 miles.
CAUTION: Two 2049' TV antennas approximately 11 miles NNW of LOM. 1849' tower 26 miles N of LOM.
NOTE: Final approach from holding pattern at LOM not authorized; procedure turn required.
*Blanchard Int: Int of DTN R-285 and LOM bearing 315°.

City, Shreveport; State, La.; Airport Name, Greater Shreveport Municipal; Elev., 257'; Fac. Class., LOM; Ident, SH; Procedure No. 1, Amdt. 12; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 11; Dated, 25 May 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-d	600–1	600–1	600–1½
				C-n	600–2	600–2	600–2
				S-dn-17	600–1	600–1	600–1
				A-dn#	800–2	800–2	800–2

Procedure turn W side of crs, 346° Outbnd, 166° Inbnd, 2500'* within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 166°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing nor accomplished within 3.8 miles after passing BVO–VOR, make immediate right turn and climb to 2500', return to BVO–VOR and contact ARTC.
NOTES: (1) Public weather service not available. (2) All pilots using this procedure requested to close IFR flight plans immediately upon completion of approach with Tulsa Radio. Trans 122.1 Rec 122.2 or BVO Radio or commercial facilities.
#Alternate usage authorized for air carrier only.
*Descent below 2500' not authorized until well established on R–346 Inbnd.

City, Bartlesville; State, Okla.; Airport Name, Phillips; Elev., 715'; Fac. Class., BVOR; Ident., BVO; Procedure No. 1, Amdt. 3; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 2; Dated, 27 Jan. 62

				T-dn	300–1	300–1	NA
				C-dn	600–1	600–1	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs, 078° Outbnd, 258° Inbnd, 3600' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 258°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing VOR, make a right climbing turn to 3600' and return to Jamestown VOR. Hold E on R–078 1-minute right turns, 258° Inbnd.

NOTE: Communications: 1. Weather and field conditions 122.8. 2. Contact Cleveland center for ATC clearance. 3. Aircraft radio contact with ERI APC unreliable from ground.

City, Jamestown; State, N.Y.; Airport Name, Municipal; Elev., 1725'; Fac. Class., BVOR; Ident., JHW; Procedure No. 1, Amdt. 1; Eff. Date, 18 Jan. 64; Sup. Amdt. No. Orig.; Dated, 23 Aug. 58

Key West RBn	EYW–VOR	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side crs, 317° Outbnd, 137° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, 137°—1.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 mile after passing EYW–VOR, turn left, climb to 1500' on R–076 within 20 miles of EYW–VOR.

NOTE: FAA Control Tower not operating on 24 hour basis.
Other changes: Deletes Note and alternate information.

City, Key West; State, Fla.; Airport Name, Key West International; Elev., 4'; Fac. Class., H–BVOR; Ident., EYW; Procedure No. 1, Amdt. 8; Eff. Date, 18 J an 64; Sup. Amdt. No. 7; Dated, 3 June 61

				T-dn	300–1	300–1	200–½
				C-dn	600–2	600–2	600–2
				S-dn-29	600–1½	600–1½	600–1½
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 120° Outbnd, 300° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 300°—8.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing LOU–VOR, climb to 2600' on heading 270°, intercept R–283 LOU–VOR and proceed to Corydon Int, hold W 1-minute, right turns, 103° Inbnd.
Other changes: Deletes transitions.

NOTE: Standard clearance is not provided in final approach area facility to field.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497'; Fac. Class., BVORTAC; Ident., LOU; Procedure No. 1, Amdt. 6; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 5; Dated, 16 June 62

				T-d	300–1	300–1	NA
				C-d	600–2	600–2	NA
				A-d	NA	NA	NA

Procedure turn N side of crs 073° Outbnd 253° Inbnd 2500' within 10 miles.
Minimum altitude over facility on final approach crs 2000'.
Crs and distance, facility to airport 253°—6.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles after passing CCT–VOR, make climbing left turn to 2500', return to CCT–VOR. Hold E, 1-minute right turns, 253° Inbnd.
NOTES: 1. Weather service available from Bowling Green, Kentucky Flight Service Station. 2. No rotating beacon.

City, Madisonville; State, Ky.; Airport Name, Madisonville Municipal; Elev., 438'; Fac. Class., L–BVOR; Ident., CCT; Procedure No. 1, Amdt. Orig; Eff. Date, 18 Jan. 64

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PNT-VOR	BMI-VOR	Direct	2400	T-dn	300-1	300-1	200-½
Twin Grove Int	BMI-VOR	Direct	2400	C-dn	500-1	500-1	500-1½
				S-dn-21	500-1	500-1	500-1
				A-dn*	NA	NA	NA

Procedure turn E side of crs, 040° Outbnd, 220° Inbnd, 2400' within 10 miles. Nonstandard due to ATC requirements.
Minimum altitude on final approach crs, 1400'.
Crs and distance, breakoff point to Runway 21, 212°—0.30 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of BMI-VOR, make immediate left turn, climbing to 2300' on R-040 BMI-VOR within 10 miles.
CAUTION: 1296' TV tower 2.7 miles SW of VOR.
NOTE: Unlighted grain elevator 1000' 1.5 miles NE of Runway 21. Weather at Bloomington Municipal not available to general public.
*800-2 authorized for air carrier with approved weather service.

City, Bloomington; State, Ill.; Airport Name, Bloomington Municipal; Elev., 875'; Fac. Class BVOR; Ident., BMI; Procedure No. TerVOR-21, Amdt. 3; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 2; Dated, 1 July 61

Du Page VOR	Glen Int	Direct	2500	T-dn#	300-1	300-1	200-½
Naperville VOR	Glen Int	Direct	2500	C-dn	500-1	500-1	500-1½
Warren Int	Glen Int	Via API R-288 and ORD R-223.	2500	S-dn-4	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
Glen Int	Benson Int (final)	Direct	1900				

Procedure turn not authorized.
Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn 3 miles from Benson Int.
Minimum altitude over Benson Int on final approach crs, 1900'.
Crs and distance, Benson Int to Runway 4, 043°—3.6 miles.
Crs and distance, breakoff point to approach end of Runway 4, 038°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ORD-VOR, make left turn climb to 2500', proceed to OBK-VOR via OBK R-170.
NOTE: Aircraft must be equipped with dual VOR receivers, or position be identified over Benson Int by O'Hare Radar.
#CAUTION: Takeoffs on Runway 27 when weather is below 2000-3, will intercept ORD-VOR R-250 and climb to 2000' before proceeding westbnd. Takeoffs on Runway 32L when weather is below 2000-3, will intercept ORD-VOR R-306 and climb to 2000' before proceeding westbnd.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667'; Fac. Class., VOR/DME; Ident., ORD; Procedure No. TerVOR-4, Amdt. 1; Eff. Date, 18 Jan. 64; Sup. Amdt. No. Orig.; Dated, 24 Nov. 62

Papi Int	Glencoe Int	Via OBK R-076 and ORD R-033.	2300	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-22	400-1	400-1	400-1
Glencoe Int	Grove Int* (final)	Direct	1800	A-dn	800-2	800-2	800-2
OBK-VOR	Glencoe Int	Direct	2000				
Niles Int	ORD VOR	Direct	2500				
Warren Int	ORD-VOR	Direct	2500				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn 3 miles from Grove Int*.
Procedure turn N side of crs, 033° Outbnd, 213° Inbnd, 2500' within 10 miles of Grove Int*.
Minimum altitude over Grove Int* on final approach crs, 1800'.
Crs and distance, Grove Int* to Runway 22, 213°—3.8 miles.
Crs and distance, breakoff point to approach end of Runway 22, 218°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left turn climb to 2500', proceed to OBK-VOR via ORD R-075 and OBK R-135 or, when directed by ATC, climb to 3500 and proceed to DPA VOR via ORD R-213 and DPA R-085 or as directed by ATC, climb to 1500' on ORD R-213 then make right climbing turn to 2500' and proceed to Elgin via ORD R-271.
NOTES: (1) Dual VOR receivers required or radar fix in lieu of Grove Int*. (2) Aircraft executing missed approach may after being reidentified be radar controlled.
Other change: Deletes transitions from OBK R-076, Beacon Int, Lakewood Int, Acorn Int, and OBK VOR.
CAUTION: Takeoffs on Runway 27 when weather is below 2000-3 will intercept ORD-VOR R-250 and climb to 2000' before proceeding westbnd. Takeoffs on Runway 32L when weather is below 2000-3 will intercept ORD-VOR R-306 and climb to 2000' before proceeding westbnd.
*Grove Int: Int ORD-VOR R-033 and OBK-VOR R-152.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667'; Fac. Class., VOR/DME; Ident., ORD; Procedure No. TerVOR-22, Amdt. 3; Eff. Date, 18 Jan 64; Sup. Amdt. No. 2; Dated, 2 June 62

FNT-LOM	FNT VOR	Direct	2100	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-9	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				If aircraft equipped with VOR and ADF and Swartz Int* identified, the following minimums apply:			
				C-dn	400-1	500-1	500-1½
				S-dn-9	400-1	400-1	400-1

Procedure turn S side of crs, 283° Outbnd, 103° Inbnd, 2100' within 10 miles of VOR or Swartz Int*.
Minimum altitude over FNT VOR on final approach crs, 1300'.
Crs and distance, Swartz Int* to airport, 103°—4.1 miles.
Crs and distance, breakoff point to Runway 9, 091°—0.50 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over FNT VOR, make left climbing turn to 3000' and proceed to Fosters Int via FNT VOR R-340 or, when directed by ATC, climb to 2400' on FNT R-103 and return to FNT VOR.
CAUTION: Tower 21 miles NW 1599', tower 4.3 miles SE 1220'.
*Swartz Int: Int FNT VOR R-283 and 360° bearing from FNT LOM.

City, Flint; State, Mich.; Airport Name, Bishop; Elev., 781'; Fac. Class., BVORTAC; Ident., FNT; Procedure No. TerVOR-9, Amdt. 2; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 1; Dated, 21 Sept. 63

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FNT-LOM	FNT VOR	Direct	2200	T-dn	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1½
				S-dn-23	800–1	800–1	800–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 055° Outbnd, 235° Inbnd, 2200′ within 10 miles.
Minimum altitude over FNT VOR on final approach crs, 1600′.
Crs and distance, breakoff point to Runway 22, 229°—0.39 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over FNT VOR, make right climbing turn to 3000′ and proceed to Fosters Int via FNT R–340 or, when directed by ATC, climb to 3000′ on R–235 within 10 miles and return to FNT VOR.
CAUTION: Tower 21 miles NW 1590′, tower 4.3 miles SE 1220′.

City, Flint; State, Mich.; Airport Name, Bishop; Elev., 781′; Fac. Class., BVORTAC; Ident., FNT; Procedure No. TerVOR–23, Amdt. 2; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 1; Dated, 21 Sept. 63

PROCEDURE CANCELLED EFFECTIVE 18 JAN. 1964 OR UPON COMMISSIONING OF VORTAC FACILITY.

City, Olympia; State, Wash.; Airport Name, Olympia Municipal; Elev., 205′; Fac. Class., L–BVOR–DME; Ident., OLM; Procedure No. TerVOR–35, Amdt. 2; Eff. Date, 28 Oct. 61; Sup. Amdt. No. 1; Dated, 30 Sept. 61

PROCEDURE CANCELLED EFFECTIVE 18 JAN. 1964 OR UPON COMMISSIONING OF VORTAC FACILITY.

City, Olympia; State, Wash.; Airport Name, Olympia Municipal; Elev., 205′; Fac. Class., L–BVOR–DME; Ident., OLM; Procedure No. TerVOR–17, Amdt. 3; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 2; Dated, 28 Oct. 61

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR–DME) procedures prescribed in § 97.15 to read:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Hartstene Int/17.8-miles DME Fix R–338	OLM VOR	Direct	3000	T-dn	300–1	300–1	200–½
Harbor Int/10.0-miles DME Fix R–338	OLM VOR (final)	Direct	1100	C-dn	900–1	900–1	900–1½
Bayside Int	OLM VOR	Direct	3000	S-dn	NA	NA	NA
				A-dn	900–2	900–2	900–2
				*If aircraft equipped with VOR and DME or VOR and ADF receivers, and Budd Int% is identified the following minimums apply:			
				C-dn	600–1	600–1	600–1½
				S-dn–17	600–1	600–1	600–1

Procedure turn W side of crs 338° Outbnd 158° Inbnd 3000′ within 15 miles.
Minimum altitude over Budd Int% on final approach crs 1100′; over OLM VOR 800′.
Crs and distance, Budd Int% to airport 158°—4.7 miles; OLM VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OLM VOR, climb to 3000′ on R–173 within 15 miles of OLM VOR; or when directed by ATC, turn left, climb to 3000′ on R–338 within 15 miles of OLM VOR.
NOTE: When authorized by ATC, DME may be used within 20 miles at 2000′ between R–315 clockwise to R–018 of OLM VOR to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: Restricted area 4.7 miles E of airport.
*If Budd Int% not identified authorized minimum over OLM VOR is 1100′.
%Budd Int: Int R–338 OLM VOR and 252° bearing from TM LFR or 5.0-mile DME fix R–338 OLM VOR.

City, Olympia; State, Wash.; Airport Name, Olympia Municipal; Elev., 205′; Fac. Class., L–BVORTAC; Ident., OLM; Procedure No. VOR/DME No. 1, Amdt. Orig; Eff. Date, 18 Jan. 64, or upon commissioning of VORTAC facility

15-mile DME fix R–143	OLM VOR	Direct	3000	T-dn	300–1	300–1	200–½
15-mile DME fix R–198	OLM VOR	Direct	3000	C-dn	1000–1	1000–1	1000–1½
Bayside Int	OLM VOR	Direct	3000	A-dn	1100–2	1100–2	1100–2
15-mile DME fix R–173	9-mile DME fix R–173	Direct	2000	*If aircraft equipped with VOR and DME and 5.5-mile DME fix is identified the following minimum applies:			
9-mile DME fix R–173	5.5-mile DME fix R–173	Direct	1200				
5.5-mile DME fix R–173	0.0-mile DME fix R–173	Direct	800				
				C-dn	600–1	600–1	600–1½

Procedure turn W side of crs 173° Outbnd, 353° Inbnd, 3000′ within 15 miles.
Minimum altitude over 5.5-mile DME fix on final approach crs 1200′; over facility 800′*.
Crs and distance 5.5-mile DME fix to airport 353°—5.0 miles; facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing nor accomplished within 0.0 mile after passing OLM VOR, climb to 3000′ on R–338 within 15 miles of OLM VOR; or when directed by ATC turn right, climb to 3000′ on R–173 within 15 miles of OLM VOR.
NOTE: When authorized by ATC, DME may be used within 9 miles at 2000′ between R–143 clockwise to R–198 of OLM VOR to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: Restricted area 4.7 miles E of airport.
*If 5.5-mile DME fix R–173 is not identified, authorized minimum over OLM VOR is 1200′.

City, Olympia; State, Wash.; Airport Name, Olympia Municipal; Elev., 205′; Fac. Class., L–BVORTAC; Ident., OLM; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. Date, 18 Jan. 64, or upon commissioning of VORTAC facility

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakewood Int	OH LOM (final)	Via OBK R-271 and NW crs OHA ILS.	2500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-14L#	300-¾	300-¾	300-¾
Niles Int	ORD VOR	Direct	2500	A-dn	600-2	600-2	600-2
Warren Int	ORD VOR	Direct	2500				
Deerfield Int	OH LOM	Direct	2500				
ORD VOR	OH LOM	Direct	2500				
OBK-VOR	OH LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of NW crs, 318° Outbnd, 138° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2500'.
Altitude of glide slope and distance to approach end of runway at LOM, 2481'—5.7 miles; at LMM, 900'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left to a heading of 120° and climb to 1500', make left climbing turn to 3000' and proceed to Evanston Int via ORD R-075 or, when directed by ATC (1) turn left to heading of 120° climb to 1500' make left turn climb to 3500' and proceed to OBK VOR via ORD R-030 and OBK R-135.
NOTES: Runway 14R, LOM designated "ROMEO"; Runway 14L, LOM designated "LIMA"; Runway 27, LOM designated "TAFT". No approach lights.
CAUTION: Takeoffs Runway 27 when weather is below 2000-3 will intercept ORD-VOR R-250 and climb to 2000' before proceeding westbnd. Takeoffs Runway 32L when wheather is below 200-3 will intercept ORD R-306 climb to 2000' before preceeding westbnd. When conducting a parallel approach, parallel ILS 14R and L procedure must be used.
#400-1 required when glide slope nor utilized.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I-OHA; Procedure No. ILS-14L, Amdt. 5; Eff. Date, 18 Jan. 64; Sup Amdt. No. 4; Dated, 15 Dec. 62

Lakewood Int	OR LOM (final)	Via OBK R-271 and NW crs ORD ILS.	2200	T-dn#	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-14R*%	200-½	200-½	200-½
ORD VOR	OR LOM	Direct	2500	A-dn	600-2	600-2	600-2
Warren Int	OR LOM	Direct	2500				
Elgin Int	OR LOM	Direct	2500				
Niles Int	ORD VOR	Direct	2500				
Deerfield Int	OR LOM	Direct	2500				
OBK-VOR	OR LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope interception Inbnd 2200'.
Altitude of glide slope and distance to approach end of runway at LOM, 2132'—5.3 miles; at LMM, 861'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right to a heading of 155° and climb to 1500', then make a right climbing turn to 3500' and proceed to DPA-VOR via R-085 or, when directed by ATC (1) turn right to a heading of 155° and climb to 1500' then make climbing right turn to 3500' and proceed to Du Page VOR via DPA VOR R-085 or as directed by ATC turn right to heading of 155° and climb to 1500' then make right climbing turn to 2500' and proceed to Elgin Int via ORD R-271.
CAUTION: When conducting a parallel approach, parallel ILS-14R and L procedure must be used.
NOTES: Aircraft executing missed approach may, after being reidentified be radar controlled. Final approach from holding pattern not applicable. Procedure turn required. Runway 14R, LOM designated "ROMEO"; Runway 14L, LOM designated "LIMA".
CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD-VOR R-250 and climb to 2000' before proceeding westbnd. Takeoffs on Runway 32L, when weather is below 2000-3, will intercept ORD-VOR R-306 and climb to 2000' before proceeding westbnd.
%400-¾ required when glide slope not utilized.
*Runway visual range of 2600' also authorized for landing on Runway 14R; provided, that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 867' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
#Runway visual range 2600' authorized for takeoff in lieu of 200-½ when 200-½ is authorized, providing high intensity runway lights are in satisfactory operating condition.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I-ORD; Procedure No. ILS-14R, Amdt. 8; Eff. Date, 18 Jan 64; Sup. Amdt. No. 7; Dated, 15 Dec. 62

Louisville VOR	SD-LOM	Direct	2100	T-dn#	300-1	300-1	200-½
Bourbon Int	SD-LOM	Direct	2500	C-dn	600-1	600-1	600-1½
Bethany Int	SD-LOM	Direct	2300	S-dn-*#	200-½	200-½	200-½
Corydon Int	SD-LOM	Direct	2300	A-dn	600-2	600-2	600-2
Harbor Int	SD-LOM	Direct	2300				
Sellersburg Int	SD-LOM	Direct	2600				
New Albany Int	SD-LOM	Direct	2600				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of final approach crs, 190° Outbnd, 010° Inbnd, 2100' within 10 miles of SDF RBn (LOM).
Minimum altitude at glide slope Int Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM 1870-4.8 miles; at MM 665—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left climbing turn to 2600' on heading 270°, intercept R-283 LOU VOR and proceed to Corydon Int. Hold W 1-minute right turns, 103° Inbnd.
CAUTION: 1060' tower 4 miles N and 760' tower 2 miles N of Standiford Field.
Other change: Deletes transition from Elizabeth Int.
*400-¾ required when glide slope not utilized.
#Runway—1 only: Runway visual range 2600' also authorized for takeoff and landing on Runway-1; provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, outer compass locator and all related airborne equipment are in satisfactory operating condition. Descent below 697' shall not be made unless visual contact with the approach lights has been established, or the aircraft is clear of clouds.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497'; Fac. Class., I-SDF; Ident., I-SDF; Procedure No. ILS-1, Amdt. 22; Eff. Date, 18 Jan. 64; Sup. Amdt No. 21; Dated, 6 May 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Louisville VOR	Harbor Int#	Direct	2200	T-dn	300-1	300-1	200-½
Nabb VOR	Harbor Int# (final)	Direct	2200	C-dn	600-1	600-1	600-1½
Sellersburg Int	Harbor Int#	Direct	2600	S-dn-19	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns. When used in lieu of procedure turn, alignment on final approach crs within 10 miles of Harbor Int# is required.
Procedure turn E side of N crs, 010° Outbnd, 190° Inbnd, 2200′ within 10 miles N of Harbor Int#. (Nonstandard due to obstructions.)
Minimum altitude over Harbor Int#, 2200′.
No glide slope or markers. Minimum altitude over Cave Hill Int* 1200′. Descend to authorized landing minimums after passing Cave Hill Int*.
Crs and distance, Harbor Int# to Runway 19, 190°—5.3 miles; Cave Hill Int* to Runway 19, 190°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing Harbor Int#, make a right climbing turn to 2600′ on a heading of 270°, intercept R-283 LOU VOR and proceed to Corydon Int. Hold W 1-minute, right turns, 103° Inbnd.
NOTE: This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.
CAUTION: Several high towers 3 to 9 miles N of airport in approach area to maximum 1060′.
*Cave Hill Int: Int N crs ILS and Louisville VOR R-320.
#Harbor Int: Int N crs ILS and Louisville VOR R-327.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497′; Fac. Class., ILS; Ident., I-SDF; Procedure No. ILS-19, Amdt. 5; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 4; Dated, 1 Sept. 62

SDF LOM	LK-LOM	Direct	2200	T-dn	300-1	300-1	200-½
LOU VOR	LK-LOM	Direct	2200	C-dn	600-1	600-1	600-1½
Harbor Int	LK-LOM	Direct	2200	S-dn-29*	300-¾	300-¾	300-¾
Sellersburg Int	LK-LOM	Direct	2600	A-dn	600-2	600-2	600-2
New Albany Int	LK-LOM	Direct	2600				
Bourbon Int	LK-LOM	Direct	2500				
Shelby Int	LK-LOM	Direct	2400				
Waterford Int	LK-LOM	Direct	2400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs 110° Outbnd, 290° Inbnd, 2200′ within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 2200′.
Altitude of glide slope and distance to approach end of Runway 29 at OM, 2141′—5.0 miles; at MM, 714′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing LK LOM, climb to 2600′ on heading 270°, intercept R-283 LOU-VOR and proceed to Corydon Int. Hold W 1-minute, right turns, 103° Inbnd.
NOTE: Approach light system nonstandard—not a component of ILS. Approach lights operated by the city of Louisville, Ky. The Federal Government disclaims responsibility for nonfederal navigation facilities.
*400-¾ required when glide slope not utilized.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497′; Fac. Class., ILS; Ident., I-LKS; Procedure No. ILS-29, Amdt. 3; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 2; Dated, 1 Sept. 62

Shreveport LFR	LOM	Direct	3000	T-dn	300-1	300-1	200-½
Shreveport VOR	LOM	Direct	3000	C-dn	400-1	500-1	500-1½
Barksdale VOR	LOM	Direct	3000	S-dn-13#	200-½	200-½	200-½
Lucien Int	LOM	Direct	3000	A-dn	600-2	600-2	600-2
Bethany Int	LOM	Direct	3000				
Beers Int	Blanchard Int	Direct	2500				
Blanchard Int	LOM (final)	Direct	1400				

Radar vectoring authorized in accordance with approved patterns. Radar vectoring may be used to position aircraft for a final approach within 5 miles NW of LOM with elimination of procedure turn.
Procedure turn W side of crs 315° Outbnd, 135° Inbnd, 3000′ within 10 miles. Beyond 10 miles not authorized.
Crs and distance, facility to airport 135°—3.6 miles.
Minimum altitude at glide slope interception Inbnd 1400′.
Altitude of glide slope and distance to approach end of runway at OM 1325′; 3.6 miles at MM 450′—0.55 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 1800′ on SE ILS crs within 20 miles or, when directed by ATC, turn right, intercept SHV VOR R-182° and climb to 1800′ within 20 miles.
CAUTION: Two 2049′ TV antennas approx 11 miles NNW of LOM. 1849′ tower 26 miles N of LOM.
NOTE: Final approach from holding pattern at LOM not authorized; procedure turn required.
#400-¾ required when glide slope not utilized. 300-¾ when approach lights inoperative.

City, Shreveport; State, La.; Airport Name, Greater Shreveport Municipal; Elev., 257′; Fac. Class., ILS; Ident., I-SHV; Procedure No. ILS-13, Amdt. 12; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 11; Dated, 25 May 63

Shreveport LFR	Forbing Int	Direct	1800	T-dn	300-1	300-1	200-½
Shreveport VOR	Forbing Int	Direct	2300	C-dn	400-1	500-1	500-1½
Barksdale VOR	Forbing Int	Direct	1800	S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns. Radar vectoring may be used to position aircraft for a final approach within 5 miles SE of Forbing Int with elimination of procedure turn.
Procedure turn S side of crs 135° Outbnd 315° Inbnd 1800′ within 10 miles of Forbing Int. Nonstandard due to ATC requirements.
Minimum altitude over Forbing Int on final approach crs 1500′.
Crs and distance, Forbing Int to airport 315°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing Forbing Int, climb to 3000′ on NW crs of ILS within 10 miles, or when directed by ATC, turn left, climb to 1800′ and intercept R-183 SHV-VOR within 20 miles.
CAUTION: Two 2049′ TV antennas approximately 16 miles NNW, and 1849′ tower 29 miles NNW of airport.

City, Shreveport; State, La.; Airport Name, Greater Shreveport Municipal; Elev., 257′; Fac. Class., ILS; Ident., I-SHV; Procedure No. ILS-31, Amdt. 6; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 5; Dated, 25 May 63

TLH LOM	Hedstrom Int*	Direct	1800	T-dn	300-1	300-1	200-½
TLH VOR	Hedstrom Int*	Direct	1800	C-dn	400-1	500-1	500-1½
TLH RBn	Hedstrom Int*	Direct	1800	S-dn-18	400-1	400-1	400-1
Havana Int	Hedstrom Int* (final)	Direct	1300	A-dn	800-2	800-2	800-2

Procedure turn W side of crs 358° Outbnd, 178° Inbnd, 1800′ within 10 miles of Hedstrom Int*.
Minimum altitude over Hedstrom Int* on final approach crs 1300′.
Crs and distance Hedstrom Int* to airport 178°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing Hedstrom Int*, climb straight ahead to 1600′ on the S crs of the ILS within 20 miles, or turn left, climbing to 1800′ on R-248 TLH-VOR and proceed to the VOR.
*Hedstrom Int: Int of N crs of localizer and R-265 TLH-VOR.

City, Tallahassee; State, Fla.; Airport Name, Tallahassee Municipal; Elev., 81′; Fac. Class., ILS; Ident., I-TLH; Procedure No. ILS-18, Amdt. Orig; Eff. Date, 18 Jan. 64

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000° 175° 000°	360° 095° 360°	Within 17-20 miles Within 7-17 miles. Within 0-7 miles..	3000 2200 2000	Precision approach			
				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-d-2	300-¾	300-¾	300-¾
				S-n-2	400-1	400-1	400-1
				S-d-20	400-¾	400-¾	400-¾
				S-n-20	400-1½	400-1½	400-1½
				A-dn	800-2	800-2	800-2
				Surveillance approach			
				S-dn-14	600-1	600-1	600-1

Radar control will provide at least 1000' vertical clearance within 3 miles or 500' vertical clearance within 3 to 5 miles (inclusive) of 2249' tower located 10.8 miles E of Lawson AAF.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runway 2: Turn left, climb to 2000' on 202° crs from CSG RBn within 20 miles. Runway 20: Climb to 2000' on 202° crs from CSG RBn within 20 miles. Runway 14: Immediate right turn, climb to 2000' on 202° crs from CSG RBn within 20 miles.

CAUTION: Jump towers 580' 1¼ miles NE, R-3002 E and SE of Lawson AAF.

NOTE: Authorized for military use only except by prior arrangement.

City, Columbus; State, Ga.; Airport Name, Lawson AAF; Elev., 232'; Fac. Class., and Ident., Lawson AAF Radar; Procedure No. 1, Amdt. 2; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 1; Dated, 14 Sept. 63

064° 270° 025°	270° 025° 064°	Within 20 miles... 15 miles..... 20 miles.....	2500 3200 5000	Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-18	500-1	500-1	500-1
				S-dn-36	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runway 18: Climb to 2500' on crs of 182° from GR LOM within 15 miles of airport. Runway 36: Climb to 3200' on crs of 002° from GR LOM within 10 miles of airport.

NOTES: All bearings and distances are from radar site on Greenville Airport, with sector azimuths progressing clockwise.

City, Greenville; State, S.C.; Airport Name, Greenville Municipal; Elev., 1047'; Fac. Class., and Ident., Greenville Radar; Procedure No. 1, Amdt. 2; Eff. Date, 18 Jan. 64 Sup. Amdt. No. 1; Dated, 4 Aug. 62

0° 195° 090° 205° 210° 285° 350° 080°	360° 090° 195° 285° 285° 080° 080° 205°	Within 5 miles.... 5-10 miles..... 5-10 miles..... 10-19 miles..... 19-24 miles..... 10-20 miles..... 20-25 miles..... 10-17 miles.....	2500 2500 4000 2500 3000 3000 4000 5000	Surveillance approach			
				T-dn*	300-1	300-1	200-½
				C-d#	500-1	500-1	500-1½
				C-n#	500-1½	500-1½	500-1½
				A-dn#	800-2	800-2	800-2

Radar vectoring utilizing Knoxville Radar authorized in accordance with approved patterns.

Distances are from radar antenna with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runways 18 and 22R: Proceed to LOM, climbing to 3000'. Runway 4L: Proceed to VOR, climbing to 3000' or, when directed by ATC, climb to 3000' on 070° bearing from TYS RBn or VOR R-069 within 20 miles.

NOTE: Terrain 3686' located 15 miles SE of antenna.

*All runways.

#Runways 18, 4L, and 22R.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989'; Fac. Class., and Ident., Knoxville Radar; Procedure No. 1, Amdt. 6; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 5; Dated, 4 May 63

All directions All directions	Radar site Radar site	Within 10 miles... 25 miles.....	2000 2500	Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-1	400-1	400-1	400-1
				S-dn-6, 11, 24, 29	600-1	600-1	600-1
				S-dn-19*	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of towers 1590' 12 miles NNW; 1060' 4 miles NNW and 1110' 6 miles S of airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:

Runway 1 and 29: Make a left climbing turn to 2600' on heading 270°, intercept R-283 LOU VOR and proceed to Corydon Int. Hold W, 1-minute, right turns, 103° Inbnd.

Runway 6: Make a right climbing turn to 2300' and proceed to LOU VOR. Hold SE 1-minute right turns, 300° Inbnd.

Runway 11: Climb to 2300' direct to LOU-VOR, hold SE 1-minute right turns, 300° Inbnd.

Runway 19 and 24: Make a right climbing turn to 2600' on a heading 270°, intercept R-283 LOU VOR and proceed to Corydon Int. Hold W 1-minute right turns, 103° Inbnd.

*On approaches to Runway 19, maintain at least 1400' until within 3 miles of runway.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497'; Fac. Class., and; Ident., Louisville Radar; Procedure No. 1, Amdt. 3; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 2; Dated, 6 May 61

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on December 13, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-1; Filed, Jan. 3, 1964; 8:48 a.m.]

[Reg. Docket No. 2096; Amdt. 353]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

Correction

In F.R. Doc. 63-12824, appearing at page 14227 of the issue for Tuesday, December 24, 1963, the following correction is made in the amendment of § 97.11(b): Under Chattanooga VOR, in the entry for procedure, the phrase reading "96° Inbnd," should read "196° Inbnd,".

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 3009; Amdt. 667]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair Model CL-44D4 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on December 13, 1963, and made effective immediately because of the safety emergency involved as to all known United States operators of Canadair Model CL-44D4 Series aircraft. The directive requires inspection and lubrication of the sealed couplings, and replacement of the couplings if bending or seizure is found. Provision also has been made in the directive to permit extension of inspection intervals where justified.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Canadair Model CL-44D4 Series aircraft by individual telegrams dated December 13, 1963. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons.

CANADAIR. Applies to all Model CL-44D4 Series aircraft.

Compliance required as indicated.

Due to several instances of seizure of sealed couplings in which loss of rudder control was experienced, accomplish the following on control system coupling P/N 44A53940 (14 per aircraft) excepting those which have been modified in accordance with Canadair Service Bulletin CL44D4-304 dated March 28, 1963, Revision B, dated July 11, 1963, or equivalent approved by Chief, Engineering and Manufacturing Branch, FAA Eastern Region:

(a) Within 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 25 hours' time in service, and thereafter within 50 hours' time in service from the last inspection, perform the following:

(1) Visually inspect all sealed couplings P/N 44A53940 (14 per aircraft) in that portion extending into unpressurized areas for signs of brown staining between coupling housing and fork. If signs of brown staining are visable between coupling housing and fork, disconnect torque tubes at both ends of coupling and rotate fork to check for binding and seizure.

(2) Holding on to fork at unpressurized side of coupling, rotate and axially shift and cock rotating parts and check for freedom of movement. If there is no shaft movement, disconnect torque tubes at both ends of coupling and rotate fork to check for binding and seizure.

(3) If binding or seizure of a coupling is found, replace that coupling with the same part number or an equivalent approved by Chief, Engineering and Manufacturing Branch, FAA Eastern Region, before further flight.

(b) Within 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 225 hours' time in service, and thereafter within 250 hours' time in service from the last inspection, lubricate all sealed couplings P/N 44A53940 (14 per aircraft) in accordance with the applicable air carrier's maintenance manual.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated December 13, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 27, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-50; Filed, Jan. 3, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Section 354.1 of Part 354, Title 7, Code of Federal Regulations, is further amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, and who requires the services of an employee of the Plant Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, quarantine or certification service during such overtime or holiday period, and shall pay the Government therefor at the rate of $6.40 per man-hour per employee. A minimum charge of two hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning at least one hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each period of unscheduled overtime or holiday work to which the two hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the areas in which the holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed three hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than one hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Division inspector in charge in honoring a request to furnish inspection, quarantine or certification service, shall assign employees to such holiday or overtime duty with due regard to the work program and availability of employees for duty.

(64 Stat. 561; U.S.C. 576)

The foregoing amendment shall become effective January 5, 1964, when it shall supersede 7 CFR 354.1, effective July 30, 1963.

The purpose of this amendment is to increase the hourly rate for overtime or holiday services from $6.12 to $6.40 commensurate with salary increases provided in the Postal Service and Federal Employees Salary Act of 1962 (Public Law 87-793).

Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than thirty days after publication.

Done at Washington, D.C., this 31st day of December 1963.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 64-116; Filed, Jan. 3, 1964; 8:48 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 812—SUGAR REQUIREMENTS AND QUOTAS: HAWAII AND PUERTO RICO

Establishment of Quotas for Local Consumption in 1964

On pages 13939 and 13940 of the FEDERAL REGISTER of December 21, 1963, there was published a notice of proposed rule making to issue a regulation determining sugar requirements for 1964 and establishing quotas for Hawaii and Puerto Rico for the calendar year 1964. Interested persons were given until December 23, 1963, in which to submit written data, views or arguments for consideration in connection with the proposed regulation.

No views or comments were received relative to the proposed regulation.

The proposed regulation is hereby adopted without change.

Issued at Washington, D.C., this 27th day of December 1963.

CHARLES S. MURPHY,
Under Secretary,

Basis and purpose. The purpose of Sugar Regulation 812 is to determine pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter referred to as the "Act"), the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and to establish quotas for local consumption in such areas. To the extent required by section 201 of the Act, this regulation establishes sugar requirements based on official estimates of the Department of Agriculture and on statistics published by other agencies of the government.

Since the Act provides that the Secretary of Agriculture determine during December 1963 sugar requirements for local consumption in Hawaii and in Puerto Rico and establish local consumption quotas, it is found to be impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act, and these regulations shall be effective January 1, 1964.

Sec.
812.1 Sugar requirements and quota—Hawaii.
812.2 Sugar requirements and quota—Puerto Rico.
812.3 Restrictions on marketing.

§ 812.1 Sugar requirements and quota—Hawaii.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1964 is 50,000 short tons, raw value, and a quota of 50,000 short tons, raw value, is hereby established for Hawaii for local consumption for the calendar year 1964.

§ 812.2 Sugar requirements and quota—Puerto Rico.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1964 is 130,000 short tons, raw value, and a quota of 130,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the calendar year 1964.

§ 812.3 Restrictions on marketing.

Pursuant to section 209 of the Act, for the calendar year 1964 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (23 F.R. 1943 and 27 F.R. 1450), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1964 has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 201, 203, 209, 210, 412; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1112, 1119, 1120)

Statement of bases and considerations. Pursuant to section 203 of the Act, the provisions of section 201 of the Act deemed applicable to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the twelve-month period ended October 31, 1963, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and in Puerto Rico, including that which was lost in refining after charge to the local quotas, during such twelve-month period are estimated to have been approximately 44,000 short tons of sugar, raw value, and 124,000 short tons of sugar, raw value, respectively.

The provisional estimate by the Bureau of Census of the total population for Hawaii as of July 1, 1963, is 694,000 and for Puerto Rico is 2,529,000. This represents an appreciable annual increase in population for Puerto Rico, over 1962, but because of the removal of a considerable number of military personnel from Hawaii the 1963 population level was about the same as 1962. No official estimate for either of these areas for 1964 is available.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand is a significant factor in the total sugar requirements. During the period 1958 through 1962 sugar consumption in this area has varied from 127.0 to 137.1 pounds, raw value, per person. These wide year-to-year variations suggest the possibility that requirements may be higher in 1964 than in the twelve months ended October 31, 1963, when sugar marketings approximated 44,000 short tons, raw value.

In Puerto Rico during the twelve months ended October 31, 1963, marketings of sugar for local consumption totaled approximately 124,000 short tons, raw value. Refiners' inventories of sugar as of October 31, 1963 were approximately the same as those held on October 31, 1962. After making allowance for possible consumption increases in 1964 resulting from population increases, and the inventory of sugar held by refiners, the total sugar needed to meet requirements for local consumption in Puerto Rico in 1964 may be approximately 130,000 short tons, raw value.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1964 local quota is not completely filled. It is therefore, desirable to establish the 1964 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in Hawaii and Puerto Rico for 1964 have been determined to be 50,000 and 130,000 short tons, raw value, respectively.

[F.R. Doc. 64-82; Filed, Jan. 3, 1964; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 45]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.345 Navel Orange Regulation 45.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effec-

tive under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 31, 1963.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 5, 1964, and ending at 12:01 a.m., P.s.t., January 12, 1964, are hereby fixed as follows:

(i) District 1: 800,000 cartons;

(ii) District 2: 191,352 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 2, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–111; Filed, Jan. 3, 1964; 8:48 a.m.]

[Lemon Reg. 90]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.390 Lemon Regulation 90.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 31, 1963.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 5, 1964, and ending at 12:01 a.m., P.s.t., January 12, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 139,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 2, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–110; Filed, Jan. 3, 1964; 8:48 a.m.]

PART 916—NECTARINES GROWN IN CALIFORNIA

Expenses for 1963–64 Fiscal Period

Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that the expenses of said committee will amount of $139,000.

It is, therefore, ordered, That paragraph (a) of § 916.202 Expenses and rate of assessment for the 1963–64 fiscal period (28 F.R. 6257) is hereby amended by deleting therefrom the amount $110,308 and substituting in lieu thereof the amount $139,000. As amended, paragraph (a) of § 916.202 reads as follows:

§ 916.202 Expenses and rate of assessment for the 1963–64 fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1963, and ending February 29, 1964, will amount to $139,000.

* * * * *

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, en-

gage in rule making procedure, and postpone the effective date of this amendatory order until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the increase in the budget set forth above does not involve an increase in the rate of assessment heretofore established by the Secretary (28 F.R. 6257); and (2) the said committee in the performance of its duties and functions has incurred expenses in excess of those previously thought likely to be incurred. Therefore, it is essential that this amendatory action be issued immediately so that said committee can meet its obligations.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 31, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–81; Filed, Jan. 3, 1964; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Ocean Ports and Airports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 5 U.S.C. 576) § 97.1 of Part 97, Title 9 of the Code of Federal Regulations is further amended to read as follows:

§ 97.1 Overtime work at border ports, ocean ports and airports.[1]

Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of the Animal Inspection and Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, certification or quarantine service during such overtime or holiday period and shall pay the Administrator of the Agricultural Research Service at the rate of $6.40 per man hour per employee as follows: A minimum charge of two hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the two-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Animal Inspection and Quarantine Division for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed three hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted travel time period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than one hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It shall be administratively determined from time to time which days constitute holidays.

The foregoing amendment shall become effective January 5, 1964, when it shall supersede 9 CFR 97.1, effective July 30, 1963.

The purpose of this amendment is to increase the hourly rate for overtime services from $6.12 to $6.40 commensurate with salary increases provided in the Postal Service and Federal Employees Salary Act of 1962 (Public Law 87–793). It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication.

(64 Stat. 561; 5 U.S.C. 576)

Done at Washington, D.C., this 31st day of December 1963.

B. T. SHAW,
Administrator, Agricultural Research Service.

[F.R. Doc. 64–115; Filed, Jan. 3, 1964; 8:48 a.m.]

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92, §§ 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151, §§ 151.1 through 151.3.

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

The Small Business Size Standards (Revision 3) (27 F.R. 9757), as amended (27 F.R. 11313, 28 F.R. 153, 2979, 3323, 5610, 6063 6678, 6823, 9344), is hereby rescinded in its entirety and the following compilation of Small Business Size Standards (Revision 3) and amendments 1 through 9 thereto are substituted in lieu thereof:

Sec.
121.3 Statutory provisions.
121.3–1 Purpose and method of establishing size standards.
121.3–2 Definition of terms.
121.3–3 Organization.
121.3–4 Application for size determination.
121.3–5 Protest of small business status.
121.3–6 Appeals.
121.3–7 Differentials.
121.3–8 Definition of small business for Government procurement.
121.3–9 Definition of small business for sales of Government property.
121.3–10 Definition of small business for SBA business loans.
121.3–11 Definition of small business for assistance by small business investment companies.
121.3–12 Definition of small business Government subcontractors.
121.3–13 Definition of small business for receiving priority payment under section 213(a) of the War Claims Act of 1948, as amended.

AUTHORITY: §§ 121.3 to 121.3–12 issued under Pub. Law 85–536, sec. 5(b)6, 72 Stat. 385; § 121.3–13 issued under Public Law 87–846, sec. 213(a), 72 Stat. 384.

§ 121.3 Statutory provisions.

(a) *Small Business Act, as amended.*

SEC. 3 For the purposes of this Act, a small business concern shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation. In addition to the foregoing criteria the Administrator, in making a detailed definition, may use these criteria, among others: Number of employees and dollar volume of business. Where the number of employees is used as one of the criteria in making such definition for any of the purposes of this Act, the maximum number of employees which a small business concern may have under the definition shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and to take proper account of other relevant factors.

* * * * *

SEC. 8(b) It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

(6) To determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small business concerns" for the purpose of effectuating the provisions of this Act. To carry out this purpose the Administrator, when requested to do so, shall issue in response to each such request an appropriate certifi-

cate certifying an individual concern as a "small business concern" in accordance with the criteria expressed in this Act. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a "small business concern." Offices of the Government having procurement or lending powers, or engaging in the disposal of Federal property or allocating materials or supplies, or promulgating regulations affecting the distribution of materials or supplies, shall accept as conclusive the Administration's determination as to which enterprises are to be designated "small business concerns," as authorized and directed under this paragraph.

(b) *Small Business Investment Act of 1958, as amended.*

SEC. 103 As used in this Act—

* * * * *

(5) The term "small business concern" shall have the same meaning as in the "Small Business Act" * * *

(c) *War Claims Act of 1948, as amended.*

SEC. 213(a) The Secretary of the Treasury shall pay out of the War Claims Fund on account of awards certified by the Commission pursuant to this title as follows and in the following order of priority:

(1) Payment in full of awards made pursuant to section 202(d) (1) and (2) and thereafter of any award made pursuant to section 202(a) to any claimant certified to the Commission by the Small Business Administration as having been, on the date of loss, damage, or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended. * * *

§ 121.3–1 Purpose and method of establishing size standards.

(a) *Purpose.* This regulation defines "small business concerns" and establishes standards, criteria and procedures to determine which concerns are "small business concerns" within the meaning of the Small Business Act, as amended (hereinafter referred to as the "Act"); the Small Business Investment Act of 1958, as amended (hereinafter referred to as the "Investment Act"); and the War Claims Act of 1948, as amended (hereinafter referred to as the "War Claims Act").

(b) *Method of establishing size standards.* In defining industries, SBA follows the Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget, Executive Office of the President. The Standard Industrial Classification Manual defines industries in accordance with the existing structure of the American economy. An industry is a group of establishments engaged in the same or similar lines of economic activity. The following factors are considered in formulating industry size standards: (1) Concentration of output, (2) coverage ratio, (3) primary product specialization ratio, (4) absolute number of concerns, (5) size of industry (dollar volume), (6) employment size of industry leaders, and (7) the SBA program for which the size standard is established. In certain instances, the loan standard and procurement standard may differ for the same industry. This is due to the fact that when establishing size standards for the purpose of Government procurement, an eighth factor, Government procurement history, is used but is not a factor in formulating a size standard for the purpose of financial assistance.

§ 121.3–2 Definition of terms used in this part.

(a) "Affiliates." Concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractural relationships.

(b) "Annual sales or annual receipts" means the annual sales or annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year.

(c) "Appeal" means a written request for a review of a size determination made by the Director, Size Standards Division.

(d) "Area of Substantial Unemployment" for the purpose of small business size determinations means a geographical area within the United States which:

(1) Is classified by the Department of Labor either as an "Area of Substantial Unemployment" or an "Area of Substantial and Persistent Unemployment," and such classification has been listed in that Department's publication "Area Labor Market Trends" continuously from September 15, 1961, until a size determination is made; or

(2) Is individually certified by the Department of Labor as an "Area of Substantial Unemployment" and has been eligible for such certification continuously since September 15, 1961.

If an area has been removed from the publication "Area Labor Market Trends" or if an area becomes ineligible for certification at any time, such area is excluded from the above definition and cannot be reinstated for the purpose of size determinations unless it is designated as a Redevelopment Area by the Department of Commerce. (See § 121.3–2(t).)

(e) "Crude-oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shut-down time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

(f) "Certificate of Competency" means a certificate issued by SBA pursuant to the authority contained in section 8(b)(7) of the Act stating that the holder of the certificate is competent as to capacity and credit, to perform a specific Government procurement or sales contract.

(g) "Concern," except for § 121.3–13, means any business entity organized for profit with a place of business located in the United States, including, but not limited to, an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making size determinations, any business entity, whether organized for profit or not, and any foreign business entity shall be included.

(h) "Contracting Officer" means the person executing a particular contract on behalf of the Government, and any other employee who is properly designated contracting officer; the term includes the authorized representative of a contracting officer acting within the limits of his authority.

(i) "Convalescent or nursing home" means those facilities for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care but who may require nursing care and related medical services, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(j) "Department store" means a concern employing twenty-five (25) or more persons engaged in the retail sale of some items in each of the following merchandise lines: (1) Furniture, home furnishings, appliances, radio and television sets; (2) a general line of apparel for the family; and (3) household linens and dry goods, provided, however, that sales within any one of the preceding merchandise lines do not exceed eighty percent (80%) of the concern's total sales and the aggregate of such merchandise lines accounts for at least fifty percent (50%) of the concern's total sales.

(k) "Gross leasable area" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the center line of a joint partition and from outside wall faces.

(l) "Hospital" means a health facility duly licensed as a hospital providing inpatient medical or surgical care of the sick or injured, including obstetrics, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefits of its owners, stockholders, or members.

(m) "Industry" means a grouping of establishments primarily engaged in similar lines of activity as listed and described in the Standard Industrial Classification Manual, as amended (SIC Manual), prepared and published by the Bureau of the Budget, Executive Office of the President.

(n) "Medical and dental laboratory" means those facilities which provide services to doctors, dentists, hospitals, and similar health facilities, which facilities are privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(o) "Nonmanufacturer" means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture or produce

the products required to be furnished by such procurement. Nonmanufacturer includes a concern which can manufacture or produce the products referred to in the specific procurement but does not do so in connection with that procurement.

(p) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

(q) "Number of employees" means that the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month.

(r) "Protest" means a statement in writing from any responsive bidder or offerer having a valid interest in whether or not a bidder on a Government procurement or Government disposal contract is a small business within the meaning of this part. Such statement shall contain the basis for the protest, together with specific detailed evidence supporting the protestant's claim that such bidder is not a small business. A complaint received after award of a contract or a complaint received that a concern is not a small business, but which does not meet the requirements of this subsection, will not be considered a "protest" and will not be acted upon.

(s) "Reconsideration" means a review by the Director, Size Standards Division, on written request by an interested party of a prior size determination made by an SBA regional director or his delegate based on new information furnished with the request or upon error of such regional director or delegate in making such determination.

(t) "Redevelopment Area" for the purpose of small business size determinations means a geographical area within the United States which has been designated as a "Redevelopment Area" in accordance with the Area Redevelopment Act (Pub. Law 87–27, sec. 5, 75 Stat. 48).

(u) "Shopping center" means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the property.

(v) "Size determination" means a ruling by SBA that a concern is or is not, or was or was not a small business within the meaning of this part.

(w) "United States" as used in this regulation includes the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

§ 121.3–3 Organization of the Size Standards Division.

(a) *Authority.* The Director, Size Standards Division, shall:

(1) Develop and recommend small business size standards to the Administrator for promulgation;

(2) Determine the size status of concerns;

(3) Conduct industry hearings pertaining to size matters;

(4) Issue interpretations of the Size Standards Regulation;

(5) Consider and determine written petitions objecting to or requesting amendment or rescission of a published size standard;

(6) Establish procedures for the implementation of all size programs; and

(7) Perform such other related functions as may be appropriate to effectuate the SBA size program; and

(8) Determine in which industries, as set forth in the SIC Manual, products or services are classified.

(b) *Delegation of functions.* The Director, Size Standards Division, may delegate to SBA regional directors authority to make size determinations.

§ 121.3–4 Application for size determination.

(a) *Original size determinations.* (1) Applications for size determinations for any purpose shall be submitted on SBA Form 355, Application for Small Business Size Determination, in duplicate, to any SBA field office serving the area in which the applicant's principal office is located. SBA Form 355 shall be completed and supporting materials shall be attached thereto. Applications for size determinations made by either a small business investment company or an applicant for assistance from such an investment company shall be submitted on SBA Form 480, together with SBA Form 355. Detailed instructions for completing SBA Form 355 and SBA Form 480 are attached thereto. Copies of such forms may be obtained from any SBA field office or from the Small Business Administration, Washington, D.C., 20416.

(2) In cases where a regional director has been delegated authority to determine the size status of a concern, he or his delegate shall cause the application to be reviewed to insure that all facts are stated adequately. Thereafter, the regional director or his delegate shall determine the status of the concern and shall promptly notify the applicant and other interested persons of his decision in writing.

(3) In cases where the regional director has not been delegated authority to determine the size status of a concern, he shall cause the application to be reviewed to insure that all facts are stated adequately and SBA Form 355 is completed. Thereafter, the regional director or his delegate shall transmit the SBA Form 355 and all supporting documents, together with his recommendations concerning the size status of the concern, to the Size Standards Division. The Director, Size Standards Division, shall then determine the size status of the concern. He shall promptly notify the appropriate parties of his decision in writing.

(b) *Reconsideration of size determinations.* (1) If the size determination is one authorized to be made in the first instance by a regional director or his delegate and the determination has been so made, the applicant or other interested party may request reconsideration of this determination by filing such request, together with any additional information, with the regional office in which the determination was made. The regional director or his delegate shall review the additional information and, thereafter, shall submit the request for reconsideration and the file, together with a complete SBA Form 355, to the Director, Size Standards Division, who shall decide the request for reconsideration and promptly notify the appropriate parties of his decision in writing.

(2) If the Director, Size Standards Division, has made the size determination, whether initially or after determination by the regional director or his delegate, such determination shall be final except that an appeal from such determination may be taken by following the procedure set forth in § 121.3–6.

§ 121.3–5 Protest of small business status.

(a) *How to protest.* Any responsive bidder or offerer may, prior to award, question the small business status of any apparently low bidder or offerer by sending a written protest, as defined in § 121.3–2(r), to the contracting officer responsible for the particular procurement. Any contracting officer who receives such protest or who wishes to question the small business status of a bidder or offerer himself shall forward such protest record (or submit a written protest, as defined in § 121.3–2(r)) to the SBA regional office serving the area in which the protested concern is located.

(b) *Notification of protest.* Upon receipt of such protest, the SBA regional director or his delegate shall immediately notify the contracting officer and the protestant of the date such protest has been received and that the size of the concern being protested is being considered by SBA. The regional director or his delegate shall also advise the protested bidder or offerer of the receipt of the protest and shall forward to the protested bidder or offerer a copy of the protest and a blank SBA Form 355, Application for Small Business Size Determination, by Certified Mail, Return Receipt Requested. The bidder or offerer shall be advised, in writing, that: (1) It must, within three (3) days after receipt of the copy of the protest and SBA Form 355, file the completed form as directed by SBA, (2) it must attach thereto a statement in answer to the allegations of the letter of protest, together with evidence to support such position, and (3) if it does not submit the completed SBA Form 355, SBA will rule

that the protested concern is other than a small business.

(c) *Notification of determination.* After receipt of a protest and responses thereto, SBA shall determine the small business status of the protested bidder or offerer and notify the contracting officer, the protestant, and the protested bidder or offerer of its decision within ten working days, if possible.

§ 121.3–6 Appeals.

(a) *Appeals organization.* (1) The Size Appeals Board is the representative of the Administrator for reviewing size appeals.

(2) The Size Appeals Board shall consist of at least three members designated by the Administrator, one of whom shall be designed as Chairman. Alternate members shall also be designated by the Administrator. The Size Appeals Board is authorized to conduct such proceedings as it determines appropriate to enable it to consider appeals and recommend to the Administrator decisions thereon.

(b) *Method of appeal*—(1) *Who may appeal.* An appeal may be taken by any concern or other interested party which has:

(i) Protested the small business status of a concern pursuant to § 121.3–5 and whose protest has been denied by the Director, Size Standards Division;

(ii) Upon reconsideration, been denied small business status by a determination of the Director pursuant to § 121.3–4; or

(iii) Been adversely affected by a decision of the Director pursuant to §§ 121.3–4 and 121.3–5.

(2) *Where to appeal.* Written Notices of Appeal shall be addressed to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C., 20416.

(3) *Time for appeal.* Because of the urgency of pending procurements, appeals in such cases shall be mailed or delivered to the Chairman, Size Appeals Board, within five (5) days after receipt of the determination of the Director, Size Standards Division. All other appeals shall be so mailed or delivered within thirty (30) days after receipt of such determination. Extension of the period within which appeals can be filed may be granted in the discretion of the Chairman of the Size Appeals Board, but only for good cause.

(4) *Grounds for appeal.* Jurisdiction of the Board shall extend only to consideration of allegations that the Director, Size Standards Division, has misapplied the published Size Standards Regulation. The Board shall not consider appeals based on an allegation that a published regulation should be changed. Requests for a change in such regulation shall be made to the Director, Size Standards Division, Small Business Administration, Washington, D.C., 20416.

(5) *Notice of appeal.* No particular form is prescribed for the Notice of Appeal. The following information shall be included therein to avoid time consuming delays and necessity for further correspondence:

(i) Name and address of concern on which the size determination was made;

(ii) The character of the determination from which appeal is taken and its date;

(iii) If applicable, the IFB or contract number and date, and the name and address of the contracting officer;

(iv) A concise and direct statement of the reasons why the decision of the Director, Size Standards Division, is alleged to be erroneous;

(v) Documentary evidence in support of such allegations; and

(vi) Action sought by the appellant.

(c) *Notice to interested parties.* The Size Appeals Board shall promptly acknowledge receipt of the Notice of Appeal and shall send a copy of such Notice of Appeal to the Director, Size Standards Division, the contracting officer if a pending procurement is involved, and other interested parties.

(d) *Statement of interested parties.* After receipt of a copy of appellant's Notice of Appeal, interested parties may file in duplicate with the Board, a statement as to why the appeal should or should not be denied. Such statement shall be accompanied by appropriate evidence. Copies of such statements and appropriate evidence will be furnished to the appellant. Such statements and supporting evidence shall be mailed or delivered to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C., 20416, within five (5) days of the receipt of the copy of Notice of Appeal unless an extension is for cause granted by the Chairman of the Size Appeals Board.

(e) *Consideration by the Size Appeals Board.* The Size Appeals Board shall consider the appeal on the written submissions of the appellant, or may, in its discretion, permit oral presentations by interested parties. The Board shall promptly recommend in writing to the Administrator a proposed decision which shall state the reasons for the recommendation.

(f) *Decision of the Administrator.* The Administrator's decision shall be predicated upon the entire record after giving such weight to the recommendation of the Size Appeals Board as he shall deem appropriate provided, however, that should he not concur with the recommendation of the Size Appeals Board, he shall state in writing the basis for his findings and conclusions.

(g) *Notification of final decision.* The Chairman shall promptly notify, in writing, the appellant and the other interested parties of the Administrator's decision, together with the reasons therefor.

§ 121.3–7 Differentials.

(a) *Alaska.* If an applicant for a size determination is a concern located in Alaska, then, whenever "annual sales or annual receipts" are used in any size definition contained in this part, said dollar limitation is increased by twenty-five percent (25%) of the amount set forth therein.

(b) *Substantial unemployment and redevelopment areas*—(1) *Business loans under the Small Business Act.* Notwithstanding any other provisions of this part, the applicable size standards for the purpose of financial assistance under section 7(a) of the Act are increased by twenty-five percent (25%) whenever the concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area and agrees to use the financial assistance within such area or, if it does not maintain or operate a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area, agrees to utilize the financial assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) *Small business investment companies and development companies.* Notwithstanding any other provision of this part, the size standard for a small business concern receiving assistance from a small business investment company or receiving assistance from a development company in connection with a section 501 or section 502 loan are increased by twenty-five percent (25%) whenever such concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area and agrees to use such assistance within such area or, if it does not maintain or operate a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area, agrees to utilize such assistance in connection with the establishment and/or operation of a plant, facility, or other business establishment in such area.

(3) *Government procurement assistance, sales of Government property and Government subcontracting.* This paragraph is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property, or Government subcontracting.

§ 121.3–8 Definition of small business for Government procurement.

A small business for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth below. When computing the size status of a bidder or offerer, the number of employees, annual sales or receipts, or other applicable standards of the bidder or offerer and all of its affiliates shall be included. In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular procurement involved. For the purpose of a procurement of a product classified into two or more industries with a different size standards, the smallest of such size standards shall be used in determining a bidder's size status. If a procurement

calls for more than one item, the bidder must meet the size standard for each item for which it submits a bid.

(a) *Construction.* Any concern bidding on a contract for construction, alteration, or repair (including painting and decorating) of buildings, bridges, roads, or other real property is classified:

(1) As small if its average annual receipts for its preceding three fiscal years do not exceed $7½ million.

(2) As small if it is bidding on a contract for dredging and its average annual receipts for its preceding three fiscal years do not exceed $5 million.

(b) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(2) As small if it is bidding on a contract for petroleum, other than lubricants and miscellaneous petroleum products, and its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned or leased facilities.

(3) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(4) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(c) *Nonmanufacturing.* [Reserved]

NOTE: On April 5, 1963, there was published in the FEDERAL REGISTER (28 F.R. 3358) a proposed new definition of a small business nonmanufacturer. Interested persons were requested to file written comments. Until such time as a new definition of a small business nonmanufacturer is adopted, the definition as contained in § 121.3–8(b) (27 F.R. 9757, published October 3, 1962) shall be applicable. § 121.3–8(b): *Provided,* That "Any concern which submits a bid or offer in its own name, other than a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of subsection (a) of this section [its number of employees does not exceed 500 persons], and

(2) In the case of Government procurement reserved for or involving the preferential treatment of small businesses, such nonmanufacturer shall furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States; *Provided, however,* If the goods to be furnished are wool, worsted, knitwear, duck, webbing, and thread (spinning and finishing), nonmanufacturers (dealers and converters) shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher."

(d) *Research, development, and testing.* Any concern bidding on a contract for research, development, and/or testing is classified:

(1) As small if it is bidding on a contract for research and/or development which requires delivery of a manufactured product and (i) it qualifies as a small business manufacturer within the meaning of § 121.3–8(b) for the industry into which the product is classified, or (ii) it qualifies as a small business nonmanufacturer within the meaning of § 121.3–8(c).

(2) As small if it is bidding on a contract for research and/or development which does not require delivery of a manufactured product or on a contract for testing and its number of employees does not exceed 500 persons.

(e) *Services.* Any concern bidding on a contract for services, not elsewhere defined in this section, is classified as small if its average annual sales or receipts for its preceding three fiscal years do not exceed $1 million.

(f) *Transportation.* Any concern bidding on a contract for passenger or freight transportation, not elsewhere defined in this section, is classified:

(1) As small if its number of employees does not exceed 500 persons.

(2) As small if it is bidding on a contract for air transportation and its number of employees does not exceed 1,000 persons.

(3) As small if it is bidding on a contract for trucking (local and long distance), packing and crating, and/or freight forwarding, and its annual receipts do not exceed $3 million.

NOTE: Under present SBA policy, no concern will be denied small business status for the purpose of Government procurement solely because of its contractual relationship with a large interstate van line: *Provided,* That its annual receipts have not exceeded $3 million during the concern's most recently completed fiscal year: *And provided further,* No more than 50 percent of such annual receipts are directly attributable to the applicant's relationship with an interstate van line. When applying for a small business size determination, the applicant, at the time of filing its application, shall submit therewith documentary evidence showing the percentage of its annual receipts attributable to its relationship with an interstate van line.

§ 121.3–9 Definition of small business for sales of Government property.

In the submission of a bid or proposal for the purchase of Government-owned property, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular sale involved.

(a) *Sales of Government-owned property other than timber.* A small business concern for the purpose of the sale of Government-owned property, other than timber, is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the following criteria:

(1) *Manufacturers.* Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons.

(2) *Other than manufacturers.* Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its annual sales or annual receipts for its preceding three fiscal years do not exceed $5 million.

(3) *Stockpile purchasers.* Any concern primarily engaged in the purchase of materials which are not domestic products is small if its average annual sales or annual receipts for its preceding three fiscal years do not exceed $25 million.

(b) *Sales of Government-owned timber.* (1) In connection with the sale of Government-owned timber a small business is a concern that: (i) Is primarily engaged in the logging or forest products industry; (ii) is independently owned and operated; (iii) is not dominant in its field of operation; and, (iv) together with its affiliates, its number of employees does not exceed 250 persons.

(2) In the case of Government sales of timber reserved for or involving preferential treatment of small businesses, when the Government timber being purchased is to be resold, a concern is a small business when: (i) It is a small business within the meaning of subparagraph (1) of this paragraph, and (ii) it agrees that it will not sell more than thirty per cent (30 per cent) of such timber to a concern which does not qualify under subparagraph (1) of this paragraph as a small business, unless an exemption is granted on sales of mixed stumpage of hardwood and softwood species.

(3) In the case of Government sales reserved for or involving preferential treatment of small businesses, when the Government timber purchased is not to be resold in the form of saw logs to be manufactured into lumber and timbers, a concern is a small business when: (i) It meets the criteria contained in subparagraph (1) of this paragraph, and (ii) it agrees that in manufacturing lumber or timbers from such saw logs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under subparagraph (1) of this paragraph as a small business.

§ 121.3–10 Definition of small business for SBA business loans.

A small business concern for the purpose of receiving an SBA loan is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the criteria set forth below. A concern which is a small business under § 121.3–8 which has applied for or received a Certificate of Competency is a small business eligible for an SBA loan to finance the contract covered by the Certificate of Competency. If no standard for an industry, field of operation, or activity has been set forth in this section, a concern seeking a size determination shall submit SBA Form 355 to the Director, Size Standards Division, Washington, D.C., 20416. If an applicant for an SBA business loan is engaged in the production

of a number of products or the providing of a variety of services or other activities which are classified into different industries, the appropriate standard to be used is that which has been established for the industry in which it is primarily engaged. An applicant's primary industry is that which produced the greatest percentage of gross sales or receipts for the past fiscal year. When computing the size status of an applicant, its affiliates' number of employees, annual sales or receipts, or other applicable standards shall be included.

(a) *Construction.* Any construction concern is small if its average annual receipts do not exceed $5 million for the preceding three fiscal years.

(b) *Manufacturing.* Any manufacturing concern is classified:

(1) As small if its number of employees does not exceed 250 persons;

(2) As large if its number of employees exceeds 1,000 persons;

(3) Either as small or large depending on its industry and in accordance with the employment size standards set forth in Schedule "A" of this part, if its number of employees exceeds 250 persons, but not more than 1,000 persons;

(4) As small if it is engaged in the food canning and preserving industry and its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(c) *Retail.* Any retailing concern is classified:

(1) As small if its annual sales do not exceed $1 million;

(2) As small if it is engaged in making retail sales of groceries and fresh meats and its annual sales do not exceed $2 million;

(3) As small if it is engaged in making retail sales of new or used motor vehicles and its annual sales do not exceed $3 million;

(4) As small if it is engaged in the operation of a department store and its annual sales do not exceed $2 million.

(d) *Services.* Any service concern is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is engaged in the hotel and motel industry and its annual receipts do not exceed $2 million;

(3) As small if it is engaged in the power laundry industry and its annual receipts do not exceed $2 million;

(4) As small if it is engaged in the trailer courts and parks industry and its annual receipts do not exceed $100,000: *Provided,* That a minimum of fifty percent (50%) of the annual receipts is derived from the rental of space to tourist trailers for periods not in excess of thirty (30) days;

(5) As small if it is engaged in owning and operating a hospital and its capacity does not exceed 100 beds (excluding cribs and bassinets);

(6) As small if it is engaged in owning and operating a convalescent or nursing home and its annual receipts do not exceed $1 million;

(7) As small if it is engaged in owning and operating a medical or dental laboratory and (i) it is operated in connection with an eligible proprietary hospital, or (ii) it is not operated in connection with an eligible proprietary hospital and its annual receipts do not exceed $1 million.

(e) *Shopping centers.* (1) Any concern engaged in operating shopping centers is small if (i) it does not have assets exceeding $5 million, (ii) it does have net worth in excess of $2½ million, (iii) it does not have an average net income, after Federal income taxes, for the preceding two fiscal years in excess of $250,000 (average net income to be computed without benefit of any carry-over loss), and (iv) it does not lease more than 25 percent of the gross leasable area to concerns which do not meet the small business definitions contained in this section.

(2) For the purpose of size determinations, shopping center operators will not be considered affiliated with their tenants merely because of lease agreements.

(f) *Transportation and warehousing.* Any concern primarily engaged in passenger and freight transportation or warehousing is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the air transportation industry and its number of employees does not exceed 1,000 persons;

(3) As small if it is primarily engaged in the storage of grain, it does not have more than one million bushels capacity in owned and leased facilities, and its annual receipts do not exceed $1 million;

(4) As small if it is primarily engaged in trucking, warehousing, packing and crating and/or freight forwarding and its annual receipts do not exceed $3 million.

NOTE: Under present SBA policy, no concern will be denied small business status for the purpose of SBA financial assistance solely because of its contractual relationship with a large interstate van line: *Provided,* That its annual receipts have not exceeded $3 million during the concern's most recently completed fiscal year. When applying for a small business loan, the applicant, at the time of filing its application, shall submit therewith documentary evidence showing the amount of its annual receipts attributable to its relationship with an interstate van line.

(g) *Wholesale.* Any wholesaling concern is small if its annual sales do not exceed $5 million. Any wholesaling concern also engaged in manufacturing is not a "small business concern" unless it so qualifies under both the manufacturing and wholesaling standards.

§ 121.3–11 Definition of small business for assistance by small business investment companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies is a concern which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $5 million, does not have net worth in excess of $2½ million, and does not have an average net income, after Federal income taxes, for the preceding two years in excess of $250,000 (average net income to be computed without benefit of any carry-over loss); or

(b) Qualifies as a small business concern under § 121.3–10.

§ 121.3–12 Definition of small business Government subcontractors.

(a) Any concern in connection with subcontracts of $2,500 or less which relate to Government procurements will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(b) Any concern in connection with subcontracts exceeding $2,500 which relate to Government procurements will be considered a small business concern if it qualifies as such under § 121.3–8: *Provided, however,* Until a definition of a small business nonmanufacturer is adopted under § 121.3–8(c), a nonmanufacturer will be considered as small business for the purpose of Government subcontracting if, including its affiliates, its number of employees does not exceed 500 persons.

§ 121.3–13 Definition of small business for receiving priority payment under section 213(a) of the War Claims Act of 1948, as amended.

(a) *Small Business Claimant.* A small business claimant for the purpose of receiving priority payment from the Secretary of the Treasury under section 213(a) of the War Claims Act of 1948, as amended, is a concern which on the date of loss, damage, or destruction was a small business concern within the meaning of § 121.3–10 in effect on October 22, 1962 (27 F.R. 9757).

(b) *Request for size determination.* The Director, Size Standards Division, shall, only upon the request of the Foreign Claims Settlement Commission of the United States, determine the size status of a claimant: *Provided, however,* That said Commission certified to SBA that the claimant qualifies under section 202(a) of the War Claims Act of 1948, as amended.

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: December 26, 1963.

EUGENE P. FOLEY,
Administrator.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING

(The following size standards are to be used when determining the size status of SBA business loan applicants, and as alternate standards or sections 501 and 502 loans, and SBIC assistance)

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 23—Apparel and Related Products	250
	Major Group 28—Chemicals and Allied Products:	
2812	Alkalies and chlorine	1000
2879	Agricultural chemicals, not elsewhere classified	500
2873	Agricultural pesticides	500
2831	Biological products	250
2895	Carbon, black	500
2823	Cellulose man-made fibers	1000

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 28—Chemicals Allied Products—Continued	
2899	Chemicals and chemical preparations, not elsewhere classified	250
2814	Cyclic (coal tar) crudes	500
2815	Dyes, dye (cyclic) intermediates, and organic pigments (lakes and toners)	750
2892	Explosives	750
2894	Fatty acids	500
2871	Fertilizers	500
2872	Fertilizers, mixing only	500
2891	Glue and gelatin	250
2861	Gum and wood chemicals	500
2813	Industrial gases	1000
2819	Industrial inorganic chemicals, not elsewhere classified	750
2818	Industrial organic chemicals, not elsewhere classified	1000
2816	Inorganic pigments	1000
2833	Medicinal chemicals and botanical products	750
2851	Paints, varnishes, lacquers, and enamels	250
2844	Perfumes, cosmetics, and other toilet preparations	500
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2893	Printing ink	250
2852	Putty, caulking compounds, and allied products	250
2841	Soap and other detergents, except specialty cleaners	750
2842	Specialty cleaning, polishing, and sanitation preparations, except soap and detergents	500
2843	Surface active agents, finishing agents, sulfonated oils and assistants	250
2824	Synthetic organic fibers, except cellulosic	1000
2822	Synthetic rubber (vulcanizable elastomers)	1000
	Major Group 36—Electrical Machinery, Equipment and Supplies:	
3624	Carbon and graphite products	750
3672	Cathode ray picture tubes	750
3643	Current carrying wiring devices	500
3634	Electric housewares and fans	750
3641	Electric lamps	1000
3611	Electric measuring instruments and test equipment	500
3619	Electric transmission and distribution equipment, not elsewhere classified	500
3694	Electrical equipment for internal combustion engines	750
3629	Electrical industrial apparatus, not elsewhere classified	500
3699	Electrical machinery, equipment, and supplies, not elsewhere classified	500
3679	Electronic components and accessories, not elsewhere classified	500
3639	Household appliances, not elsewhere classified	500
3631	Household cooking equipment	750
3633	Household laundry equipment	1000
3632	Household refrigerators and home and farm freezers	1000
3635	Household vacuum cleaners	750
3622	Industrial controls	750
3642	Lighting fixtures	250
3621	Motors and generators	1000
3644	Noncurrent carrying wiring devices	500
3652	Phonograph records	750
3612	Power, distribution, and specialty transformers	750
3692	Primary batteries, dry and wet	1000
3651	Radio and television receiving sets, except communication types	750
3671	Radio and television receiving type electron tubes, except cathode ray	1000
3662	Radio and television transmitting, signaling, and detection equipment and apparatus	750
3693	Radiographic X-ray, fluoroscopic X-ray, therapeutic X-ray, and other X-ray apparatus and tubes	500
3636	Sewing machines	750
3691	Storage batteries	500

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 36—Electrical Machinery, Equipment and Supplies—Continued	
3613	Switchgear and switchboard apparatus	750
3661	Telephone and telegraph apparatus	1,000
3673	Transmitting, industrial, and special purpose electron tubes	750
3623	Welding apparatus	250
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3449	Architectural and miscellaneous metal work	250
3452	Bolts, nuts, screws, rivets and washers	500
3479	Coating, engraving, and allied services, not elsewhere classified	250
3496	Collapsible tubes	250
3421	Cutlery	500
3471	Electroplating, plating, polishing, anodizing and coloring	250
3431	Enameled iron and metal sanitary ware	750
3499	Fabricated metal products, not elsewhere classified	250
3498	Fabricated pipe and fabricated pipe fittings	250
3443	Fabricated plate work (boiler shops)	250
3441	Fabricated structural steel	250
3423	Hand and edge tools, except machine tools and hand saws	250
3425	Hand saws and saw blades	250
3429	Hardware, not elsewhere classified	250
3433	Heating equipment, except electric	500
3411	Metal cans	1,000
3442	Metal doors, sash, frames, molding, and trim	250
3497	Metal foil and leaf	500
3491	Metal shipping barrels, drums, kegs, and pails	500
3461	Metal stampings	250
3481	Miscellaneous fabricated wire products	250
3432	Plumbing fixture fittings and trim (brass goods)	500
3492	Safes and vaults	500
3451	Screw machine products	250
3444	Sheet metal work	250
3493	Steel springs	500
3494	Valves and pipe fittings, except plumbers' brass goods	500
	Major Group 20—Food and Kindred Products:	
2095	Animal and marine fats and oils, except grease and tallow	250
2063	Beet sugar	750
2052	Biscuit, crackers, and pretzels	750
2045	Blended and prepared flour	500
2086	Bottled and canned soft drinks and carbonated waters	250
2051	Bread and other bakery products, except biscuit, crackers, and pretzels	250
2071	Candy and other confectionery products	250
2061	Cane sugar, except refining only	250
2062	Cane sugar refining	750
2031	Canned and cured sea foods	250
2033	Canned fruits, vegetables, preserves, jams, and jellies	500
2032	Canned specialties	1000
2043	Cereal preparations	1000
2073	Chewing gum	500
2072	Chocolate and cocoa products	500
2023	Condensed and evaporated milk	500
2091	Cottonseed oil mills	250
2021	Creamery butter	250
2085	Distilled, rectified, and blended liquors	750
2034	Dried and dehydrated fruits and vegetables	500
2087	Flavoring extracts and flavoring sirups, not elsewhere classified	500
2041	Flour and other grain mill products	500
2026	Fluid milk	500
2099	Food preparations, not elsewhere classified	250
2036	Fresh or frozen packaged fish	250
2037	Frozen fruits, fruit juices, vegetables, and specialties	500

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 20—Food and Kindred Products—Continued	
2094	Grease and tallow	250
2024	Ice cream and frozen desserts	500
2098	Macaroni, spaghetti, vermicelli, and noodles	250
2083	Malt	250
2082	Malt liquors	500
2097	Manufactured ice	250
2011	Meat packing plants	500
2022	Natural cheese	250
2035	Pickled fruits and vegetables; vegetable sauces and seasonings; salad dressings	250
2015	Poultry and small game dressing and packing, wholesale	250
2042	Prepared feeds for animals and fowls	250
2044	Rice milling	250
2013	Sausages and other prepared meat products	500
2096	Shortening, table oils, margarine and other edible fats and oils, not elsewhere classified	750
2092	Soybean oil mills	500
2025	Special dairy products	250
2093	Vegetable oil mills, except cottonseed and soybean	1000
2046	Wet corn milling	750
2084	Wines, brandy, and brandy spirits	250
	Major Group 25—Furniture and Fixtures:	
2599	Furniture and fixtures, not elsewhere classified	250
2519	Household furniture, not elsewhere classified	250
2515	Mattresses and bedsprings	250
2514	Metal household furniture	250
2522	Metal office furniture	500
2542	Metal partitions, shelving, lockers, and office and store fixtures	250
2531	Public building and related furniture	250
2591	Venetian blinds and shades	250
2511	Wood household furniture, except upholstered	250
2512	Wood household furniture, upholstered	250
2521	Wood office furniture	250
2541	Wood partitions, shelving, lockers, and office and store fixtures	250
	Major Group 31—Leather and Leather Products:	
3131	Boot and shoe cut stock and findings	250
3141	Footwear, except house slippers and rubber footwear	500
3142	House slippers	250
3121	Industrial leather belting and packing	250
3151	Leather dress, semidress, and work gloves	250
3199	Leather goods, not elsewhere classified	250
3111	Leather tanning and finishing	250
3161	Luggage	250
3172	Personal leather goods, except handbags and purses	250
3171	Women's handbags and purses	250
	Major Group 24—Lumber and Products, Except Furniture	250
	Major Group 35—Machinery, except Electrical:	
3581	Automatic merchandising machines	250
3562	Ball and roller bearings	750
3564	Blowers, exhaust and ventilating fans	250
3582	Commercial laundry, dry cleaning, and pressing machines	250
3571	Computing and accounting machines, including cash registers	1000
3531	Construction machinery and equipment	750
3535	Conveyors and conveying equipment	250
3534	Elevators and moving stairways	500
3522	Farm machinery and equipment	500
3551	Food products machinery	250
3569	General industrial machinery and equipment, not elsewhere classified	250
3536	Hoists, industrial cranes, and monorail systems	50

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 35—Machinery, except Electrical—Continued	
3565	Industrial patterns	250
3567	Industrial process furnaces and ovens	250
3537	Industrial trucks, tractors, trailers, and stackers	250
3519	Internal combustion engines, not elsewhere classified	1000
3591	Machine shops, jobbing and repair	250
3545	Machine tool accessories and measuring devices	250
3541	Machine tools, metal cutting types	500
3542	Machine tools, metal forming types	500
3599	Machinery and parts, except electrical, not elsewhere classified	250
3586	Measuring and dispensing pumps	500
3566	Mechanical power transmission equipment, except ball and roller bearings	500
3548	Metalworking machinery, except machine tools	500
3532	Mining machinery and equipment, except oil field machinery and equipment	500
3579	Office machines, not elsewhere classified	500
3533	Oil field machinery and equipment	500
3554	Paper industries machinery	250
3555	Printing trades machinery and equipment	500
3561	Pumps, air and gas compressors, and pumping equipment	500
3585	Refrigerators; refrigeration machinery, except household; and complete air conditioning units	750
3576	Scales and balances, except laboratory	250
3589	Service industry machines, not elsewhere classified	250
3544	Special dies and tools, die sets, jigs and fixtures	250
3559	Special industry machinery, not elsewhere classified	250
3511	Steam engines; steam, gas and hydraulic turbines; and steam, gas, and hydraulic turb ne generator set units	1000
3552	Textile machinery	250
3572	Typewriters	1000
3584	Vacuum cleaners, industrial	250
3553	Woodworking machinery	250
	Major Group 39—Miscellaneous Manufacturing Industries:	
3991	Brooms and brushes	250
3963	Buttons	250
3984	Candles	250
3955	Carbon paper and inked ribbons	250
3943	Children's vehicles, except bicycles	250
3961	Costume jewelry and costume novelties, except precious metal	250
3942	Dolls	250
3962	Feathers, plumes, and artificial flowers	250
3992	Furs, dressed and dyed	250
3941	Games and toys, except dolls and children's vehicles	250
3912	Jewelers' findings and materials	250
3911	Jewelry, precious metal	250
3967	Lamp shades	250
3913	Lapidary work and cutting and polishing diamonds	250
3952	Lead pencils, crayons, and artists' materials	250
3982	Linoleum, asphalted-felt-base, and other hard surface floor coverings, not elsewhere classified	750
3999	Manufacturing industries, not elsewhere classified	250
3953	Marking devices	250
3983	Matches	500
3988	Morticians' goods	250
3931	Musical instruments and parts	500
3964	Needles, pins, hooks and eyes, and similar notions	250
3951	Pens, pen points, fountain pens, ball point pens, mechanical pencils and parts	500

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 39—Miscellaneous Manu. Ind.—Continued	
3993	Signs and advertising displays	250
3914	Silverware and plated ware	500
3949	Sporting and athletic goods, not elsewhere classified	250
3995	Umbrellas, parasols, and canes	250
	Major Group 19—Ordnance and Accessories:	
1922	Ammunition loading and assembling	250
1929	Ammunition, not elsewhere classified	250
1921	Artillery ammunition	250
1911	Guns, howitzers, mortars, and related equipment	250
1999	Ordnance and accessories, not elsewhere classified	250
1941	Sighting and fire control equipment	250
1951	Small arms	1000
1961	Small arms ammunition	1000
1931	Tanks and tank components	1000
	Major Group 26—Paper and Allied Products:	
2643	Bags, except textile bags	500
2661	Building paper and building board mills	750
2649	Converted paper and paperboard products, not elsewhere classified	500
2653	Corrugated and solid fiber boxes	250
2645	Die cut paper and paperboard; and cardboard	250
2642	Envelopes	250
2655	Fiber cans, tubes, drums, and similar products	250
2651	Folding paperboard boxes	250
2641	Paper coating and glazing	500
2621	Paper mills, except building paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	750
2652	Set-up paperboard boxes	250
2644	Wallpaper	250
	Major Group 29—Petroleum Refining and Related Industries:	
2952	Asphalt felts and coatings	750
2992	Lubricating oils and greases	500
2951	Paving mixtures and blocks	250
2911	Petroleum refining [2]	1000
2999	Products of petroleum and coal, not elsewhere classified	250
	Major Group 33—Primary Metal Industries:	
3361	Aluminum castings	250
3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1000
3362	Brass, bronze, copper, copper base alloy castings	250
3316	Cold rolled sheet, strip and bars	1000
3357	Drawing and insulating of nonferrous wire	1000
3313	Electrometallurgical products	750
3321	Gray iron foundries	500
3391	Iron and steel forgings	500
3322	Malleable iron foundries	500
3369	Nonferrous castings, not elsewhere classified	250
3392	Nonferrous forgings	250
3399	Primary metal industries, not elsewhere classified	750
3334	Primary production of aluminum	1000
3331	Primary smelting and refining of copper	1000
3332	Primary smelting and refining of lead	1000
3339	Primary smelting and refining of nonferrous metals, not elsewhere classified	750
3333	Primary smelting and refining of zinc	750
3352	Rolling, drawing, and extruding of aluminum	750
3351	Rolling, drawing, and extruding of copper	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3341	Secondary smelting, refining, and alloying of nonferrous metals and alloys	250
3323	Steel foundries	500
3317	Steel pipe and tubes	1000

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 33—Primary Metal Industries—Continued	
3315	Steel wire drawing and steel nails and spikes	1000
	Major Group 27—Printing and Publishing Industries	250
	Major Group 38—Professional, Scientific, and Controlling Instruments: Photographic and Optical Goods: Watches and Clocks:	
3822	Automatic temperature controls	500
3843	Dental equipment and supplies	250
3811	Engineering, laboratory, and scientific and research instruments and associated equipment	500
3821	Mechanical measuring and controlling instruments, except automatic temperature controls	500
3851	Ophthalmic goods	250
3831	Optical instruments and lenses	250
3842	Orthopedic, prosthetic, and surgical appliances and supplies	250
3861	Photographic equipment and supplies	500
3841	Surgical and medical instruments and apparatus	250
3872	Watchcases	250
3871	Watches, clocks, and parts except watchcases	500
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3069	Fabricated rubber products, not elsewhere classified	500
3079	Miscellaneous plastics products	250
3031	Reclaimed rubber	750
3021	Rubber footwear	1000
3011	Tires and inner tubes	1000
	Major Group 32—Stone, Clay, and Glass Products:	
3291	Abrasive products	250
3292	Asbestos products	750
3251	Brick and structural clay tile	250
3241	Cement, hydraulic	750
3253	Ceramic wall and floor tile	500
3255	Clay refractories	250
3271	Concrete brick and block	250
3272	Concrete products, except block and brick	250
3281	Cut stone and stone products	250
3263	Fine earthenware (whiteware) table and kitchen articles	500
3211	Flat glass	1000
3221	Glass containers	750
3231	Glass products, made of purchased glass	250
3275	Gypsum products	1000
3274	Lime	500
3296	Mineral wool	750
3295	Minerals and earths, ground or otherwise treated	250
3297	Nonclay refractories	750
3299	Nonmetallic mineral products, not elsewhere classified	250
3264	Porcelain electrical supplies	500
3269	Pottery products, not elsewhere classified	250
3229	Pressed and blown glass and glassware, not elsewhere classified	750
3273	Ready mixed concrete	250
3293	Steam and other packing, and pipe and boiler covering	500
3259	Structural clay products, not elsewhere classified	250
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3262	Vitreous china table and kitchen articles	500
	Major Group 22—Textile Mill Products:	
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics except rubberized	250
2211	Broad woven fabric mills, cotton	1000
2221	Broad woven fabric mills, man-made fiber and silk	500
2231	Broad woven fabric mills, wool: including dyeing and finishing	250
2279	Carpets, rugs, and mats, not elsewhere classified	500
2298	Cordage and twine	250

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 22—Textile Mill Products—Continued	
2269	Dyeing and finishing textiles, not elsewhere classified	250
2291	Felt goods, except woven felts and hats	250
2261	Finishers of broad woven fabrics of cotton	500
2262	Finishers of broad woven fabrics of man-made fiber and silk	500
2251	Full fashioned hosiery mills	250
2256	Knit fabric mills	250
2253	Knit outerwear mills	250
2254	Knit underwear mills	250
2259	Knitting mills, not elsewhere classified	250
2292	Lace goods	250
2241	Narrow fabrics and other smallwares mills: cotton, wool, silk, and man-made fiber	250
2293	Paddings and upholstery filling	250
2294	Processed waste and recovered fibers and flock	250
2252	Seamless hosiery mills	250
2299	Textile goods, not eslewhere classified	250
2284	Thread mills	500
2296	Tire cord and fabric	1000
2272	Tufted carpets and rugs	500
2297	Wool scouring, worsted combing, and tow to top mills	250
2271	Woven carpets and rugs	750
2283	Yarn mills, wool, including carpet and rug yarn	250
2281	Yarn spinning mills, cotton, man-made fibers and silk	500
2282	Yarn throwing, twisting, and winding mills, cotton, man-made fibers and silk	250
	Major Group 21—Tobacco Manufactures.	
2111	Cigarettes	1000
2121	Cigars	500
2131	Tobacco (chewing and smoking) and snuff	500
2141	Tobacco stemming and redrying	500
	Major Group 37—Transportation Equipment.	
3721	Aircraft	1000
3722	Aircraft engines and engine parts	1000
3729	Aircraft parts and auxiliary equipment, not elsewhere classified	1000
3723	Aircraft propellers and propeller parts	1000
3732	Boat building and repairing	250
3741	Locomotives and parts	1000
3717	Motor vehicles and parts [2]	1000
3751	Motorcycles, bicycles, and parts	500
3742	Railroad and street cars	750
3731	Ship building and repairing	1000
3791	Trailer coaches	250
3799	Transportation equipment, not elsewhere classified	250
3713	Truck and bus bodies	250
3715	Truck trailers	500

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

[3] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT

MANUFACTURING

Census Classification Code	Industry	Employment Size Standard (Number of Employees) [1]
	Major Group 19—Ordnance and Accessories:	
1925	Guided missiles and space vehicles, completely assembled	1000
1931	Tanks and tank components	1000
1951	Small arms	1000
1961	Small arms ammunition	1000
	Major Group 20—Food and Kindred Products:	
2032	Canned specialties	1000
2043	Cereal preparations	1000
2046	Wet corn milling	750
2052	Biscuit, crackers, and pretzels	750
2062	Cane sugar refining	750
2063	Beet sugar	750
2085	Distilled, rectified, and blended liquors	750
2093	Vegetable oil mills, except cottonseed and soybean	1000
2096	Shortening, table oils, margarine and other edible fats and oils, not elsewhere classified	750
	Major Group 21—Tobacco Manufactures:	
2111	Cigarettes	1000
	Major Group 22—Textile Mill Products:	
2211	Broad woven fabric mills, cotton	1000
2271	Woven carpets and rugs	750
2296	Tire cord and fabric	1000
	Major Group 26—Paper and Allied Products:	
2611	Pulp mills	750
2621	Paper mills, except building paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2654	Sanitary food containers	750
2661	Building paper and building board mills	750
	Major Group 28—Chemicals and Allied Products:	
2812	Alkalies and chlorine	1000
2813	Industrial gases	1000
2815	Dyes, dye (cyclic) intermediates, and organic pigments (lakes and toners)	750
2816	Inorganic pigments	1000
2818	Industrial organic chemicals, not elsewhere classified	1000
2819	Industrial inorganic chemicals, not elsewhere classified	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2822	Synthetic rubber (vulcanizable elastomers)	1000
2823	Cellulose man-made fibers	1000
2824	Synthetic organic fibers, except cellulosic	1000
2833	Medicinal chemicals and botanical products	750
2834	Pharmaceutical preparations	750
2841	Soap and other detergents, except specialty cleaners	750
2892	Explosives	750
	Major Group 29—Petroleum Refining and Related Industries:	
2911	Petroleum refining [2]	1000
2952	Asphalt felts and coatings	750
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3011	Tires and inner tubes	1000
3021	Rubber footwear	1000
3031	Reclaimed rubber	750
	Major Group 32—Stone, Clay, and Glass Products:	
3211	Flat glass	1000
3221	Glass containers	750

See footnotes at end of table.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 32—Stone, Clay, and Glass Products—Con.	
3229	Pressed and blown glass and glassware, not elsewhere classified	750
3241	Cement, hydraulic	750
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3275	Gypsum products	1000
3292	Asbestos products	750
3296	Mineral wool	750
3297	Nonclay refractories	750
	Major Group 33—Primary Metal Industries:	
3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1000
3313	Electrometallurgical products	750
3315	Steel wire drawing and steel nails and spikes	1000
3316	Cold rolled sheet, strip and bars	1000
3317	Steel pipe and tubes	1000
3331	Primary smelting and refining of copper	1000
3332	Primary smelting and refining of lead	1000
3333	Primary smelting and refining of zinc	750
3334	Primary production of aluminum	1000
3339	Primary smelting and refining of nonferrous metals, not elsewhere classified	750
3351	Rolling, drawing, and extruding of copper	750
3352	Rolling, drawing, and extruding of aluminum	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3357	Drawing and insulating of nonferrous wire	1000
3399	Primary metal industries, not elsewhere classified	750
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3411	Metal cans	1000
3431	Enameled iron and metal sanitary ware	750
	Major Group 35—Machinery, except Electrical:	
3511	Steam engines; steam, gas and hydraulic turbines; and steam, gas, and hydraulic turbine generator set units	1000
3519	Internal combustion engines, not elsewhere classified	1000
3531	Construction machinery and equipment	750
3562	Ball and roller bearings	750
3571	Computing and accounting machines, including cash registers	1000
3572	Typewriters	1000
3585	Refrigerators; refrigeration machinery, except household; and complete air conditioning units	750
	Major Group 36—Electrical Machinery, Equipment and Supplies:	
3612	Power, distribution, and specialty transformers	750
3613	Switchgear and switchboard apparatus	750
3621	Motors and generators	1000
3622	Industrial controls	750
3624	Carbon and graphite products	750
3631	Household cooking equipment	750
3632	Household refrigerators and home and farm freezers	1000

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 36—Electrical Machinery, Equipment and Supplies—Continued	
3633	Household laundry equipment	1000
3634	Electric housewares and fans	750
3635	Household vacuum cleaners	750
3636	Sewing machines	750
3641	Electric lamps	1000
3651	Radio and television receiving sets, except communication types	750
3652	Phonograph records	750
3661	Telephone and telegraph apparatus	1000
3662	Radio and television transmitting, signaling, and detection equipment and apparatus	750
3671	Radio and television receiving type electron tubes, except cathode ray	1000
3672	Cathode ray picture tubes	750
3673	Transmitting, industrial, and special purpose electron tubes	750
3692	Primary batteries, dry and wet	1000
3694	Electrical equipment for internal combustion engines	750
	Major Group 37—Transportation Equipment:	
3717	Motor vehicles and parts [3]	1000
3721	Aircraft [4]	1000
3722	Aircraft engines and engine parts	1000
3723	Aircraft propellers and propeller parts	1000
3729	Aircraft parts and auxiliary equipment, not elsewhere classified [5]	1000
3731	Ship building and repairing	1000
3741	Locomotives and parts	1000
3742	Railroad and street cars	50
	Major Group 39—Miscellaneous Manufacturing Industries:	
3982	Linoleum, asphalted-felt-base, and other hard surface floor coverings, not elsewhere classified	750

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

[3] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

[4] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations:

"'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.

"'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[5] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[F.R. Doc. 64-8; Filed, Jan. 3, 1964; 8:45 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 1—PROCEDURE FOR PREDETERMINATION OF WAGE RATES

PART 3—CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING AND PUBLIC WORK AND ON BUILDING AND WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION

Revisions

All relevant matters presented by interested persons regarding the proposed revisions of Parts 1, 3 and 5, Title 29, Code of Federal Regulations, published in the FEDERAL REGISTER at 27 F.R. 10761 have been carefully considered. After such consideration and pursuant to R.S. 161 (5 U.S.C. 22), section 2 of the Act of June 13, 1934 (48 Stat. 948; 40 U.S.C. 276c), section 10 of the Portal-to-Portal Act of 1947 (61 Stat. 89; 29 U.S.C. 258), and Reorganization Plan No. 14 of 1950 (3 CFR 1949–53 Comp., p. 1007), Title 29 of the Code of Federal Regulations is hereby amended by revising Parts 1, 3 and 5 thereof in the manner indicated below.

The principal changes accomplished by the revisions are designed:

(1) To facilitate the administration of the prevailing wage provisions of the Davis-Bacon Act and its related statutes by making wage determinations effective for 120 calendar days from the date of their issuance, by providing a uniform procedure for the establishment of wage rates for classifications not included in wage determinations, and by giving the administering agencies more time for implementing changes in wage determinations.

(2) To improve the prevailing wage determination process by providing for the submission of pertinent information by the agencies requesting wage determinations.

(3) To improve the so-called Copeland "anti-kickback" regulations by eliminating the necessity of requests for permission to make payroll deductions in those instances where experience has shown that the policy and provisions of the Copeland Act will not be impeded.

(4) To aid the coordination of the administration of the labor standards provisions of the various statutes subject to Reorganization Plan No. 14 of 1950 and to help improve consistency in their enforcement by providing new reporting procedures.

(5) To improve the debarment provisions under Reorganization Plan No. 14 of 1950 by providing for a flexible period of debarment up to three years and by providing for removal from the debarred bidders list upon a demonstration of current responsibility.

(6) To improve the debarment procedure by publishing applicable rules.

(7) To provide for discretionary review by the Wage Appeals Board [created by a delegation of authority published in the FEDERAL REGISTER on this date] of wage determinations, debarment actions, assessments of liquidated damages under the Contract Work Hours Standards Act, and decisions otherwise made after hearings provided for in 29 CFR Parts 1 and 5.

These revisions shall become effective thirty days after the date of publication of this document in the FEDERAL REGISTER.

Part 1 of Title 29 of the Code of Federal Regulations is revised as follows:

PART 1—PROCEDURE FOR PREDETERMINATION OF WAGE RATES

Sec.

AUTHORITY: The provisions of this part issued under R.S. 161, 64 Stat. 1267; sec. 2, 48 Stat. 948; sec. 10, 61 Stat. 89; 5 U.S.C. 22, 133z–15; 40 U.S.C. 276c; 29 U.S.C. 258. Interpret or apply sec. 1, 46 Stat. 1494, 49 Stat. 1011; sec. 212 added to c. 847, 48 Stat. 1246 by sec. 14, 53 Stat. 807; sec. 602, added to c. 94, 64 Stat. 77 at 73 Stat. 681; sec. 2, 60 Stat. 1041; sec. 15, 60 Stat. 178; sec. 307(f); 63 Stat. 430; sec. 205, 64 Stat. 973; sec. 310, 65 Stat. 307; sec. 201, 64 Stat. 1248; sec. 3, 72 Stat. 532; sec. 108, 72 Stat. 895; sec. 6, 62 Stat. 1158; sec. 15, 75 Stat. 714; sec. 21, 75 Stat. 613; sec. 15, 75 Stat. 688; sec. 721, 77 Stat. 167; secs. 101, 122, 135, 205, 77 Stat. 282, 284, and 288. 40 U.S.C. 276a; 12 U.S.C. 1701q, 1715c, 1749a; 42 U.S.C. 291h, 1416,

1459, 1592; 29 U.S.C. 1114, 20 U.S.C. 636; 23 U.S.C. 113; 50 U.S.C. App. 2281; 33 U.S.C. 466e.

§ 1.1 Purpose and scope.

The regulations contained in this part set forth the procedure for the determination of wage rates pursuant to each of the following acts: Davis-Bacon Act, National Housing Act, Hospital Survey and Construction Act, Federal Airport Act, Housing Act of 1949, School Survey and Construction Act of 1950, Defense Housing and Community Facilities and Services Act of 1951, Federal-Aid Highway Act of 1956, Federal Civil Defense Act of 1950, College Housing Act of 1950, Federal Water Pollution Control Act, Area Redevelopment Act, Delaware River Basin Compact, Housing Act of 1959, and Health Professions Educational Assistance Act of 1963, Mental Retardation Facilities Construction Act, Community Mental Health Centers Act, and such other statutes as may, from time to time, confer upon the Secretary of Labor similar wage determining authority.

§ 1.2 Definitions.[1]

(a) The term "prevailing wage rate" for each classification of laborers and mechanics which the Solicitor shall regard as prevailing in an area shall mean:

(1) The rate of wages paid in the area in which the work is to be performed, to the majority of those employed in that classification in construction in the area similar to the proposed undertaking;

(2) In the event that there is not a majority paid at the same rate, then the rate paid to the greater number: *Provided*, Such greater number constitutes 30 percent of those employed; or

(3) In the event that less than 30 percent of those so employed receive the same rate, then the average rate.

(b) The term "area" in determining wage rates under the Davis-Bacon Act and the prevailing wage provisions of the other statutes listed in § 1.1 shall mean the city, town, village, or other civil subdivision of the State in which the work is to be performed. In determining wage rates pursuant to section 115 of the Federal-Aid Highway Act of 1956, the College Housing Act of 1950, and the Federal Water Pollution Control Act, the term "area" shall mean immediate locality of the proposed project.

(c) The term "average rate" for each classification in an area shall mean the rate obtained by adding the hourly rates paid to all workers in the classification and dividing by the total number of such workers.

(d) The term "Solicitor" shall mean the Solicitor of Labor.

§ 1.3 Obtaining and compiling wage rate information.

For the purpose of making wage rate determinations, the Solicitor shall conduct a continuing program for the obtaining and compiling of wage rate information.

(a) The Solicitor shall encourage the voluntary submission of wage rate data by contractors, contractors' associations, labor organizations, public officials, and other interested parties, reflecting wage rates paid to laborers and mechanics on various types of construction in the area. Rates must be determined, among others, for such varying types of projects as buildings, bridges, dams, highways, tunnels, sewers, power lines, railways, airports (buildings and runways), apartment houses, wharves, levees, canals, dredging, land-clearing and excavating. Accordingly, the information submitted should reflect not only that the specified wage rate or rates are paid to a particular craft in an area, but also the type or types of construction on which such rate or rates are paid.

(b) The following types of information will be considered in making wage rate determinations:

(1) Statements showing wage rates paid on projects. (Such statements should indicate the names and addresses of contractors, including subcontractors, the locations, approximate costs, dates of construction and types of projects, the number of workers employed in each classification on each project, and the respective wage rates paid such workers.);

(2) Signed collective bargaining agreements. (The Solicitor may request the parties to an agreement to submit statements certifying to its scope and application.);

(3) Wage rates determined for public construction by state and local officials pursuant to prevailing wage legislation;

(4) Information furnished by Federal and State agencies. See § 5.3 of this subtitle. (In making wage rate determinations pursuant to section 115 of the Federal-Aid Highway Act of 1956, the Solicitor shall consult with the highway department of the State in which a project in the Interstate System is to be performed. Before making a determination of wage rates for such a project he shall give due regard to the information thus obtained.);

(5) Any other information pertinent to the determination of prevailing wage rates.

(c) The Solicitor shall supplement such information obtained on a voluntary basis by such means, including the holding of hearings, and from whatever sources he deems necessary.

§ 1.4 Outline of agency construction programs.

To the extent practicable, at the beginning of each fiscal year each agency using wage determinations under any of the various statutes listed in § 1.1 shall furnish the Solicitor with a general outline of its proposed construction programs for the coming year indicating the estimated number of projects for which wage determinations will be required, the anticipated types of construction, and the locations of construction. During the fiscal year, each agency shall notify the Solicitor of any significant changes in its proposed construction programs, as outlined at the beginning of the fiscal year.

§ 1.5 Determination of wage rates.

In the event that the data compiled under § 1.3 is sufficient to determine the prevailing wage rates the Solicitor shall make a determination as to the wage rates prevailing in the area.

§ 1.6 Scope of consideration (exclusive of wage rate determinations made pursuant to the Federal-Aid Highway Act of 1956, which shall be made in accordance with § 1.3(b)(4) of this part).

(a) In making a wage rate determination projects completed more than one year prior to the date of request for the determination may, but need not be considered.

(b) If there has been no similar construction within the area in the past year, wage rates paid on the nearest similar construction may be considered.

§ 1.7 Field survey.

Whenever the Solicitor deems that the data at hand are insufficient to make a determination with respect to all the crafts necessary to perform the proposed construction work, he may have a field survey conducted in the area of the proposed project for the purpose of obtaining sufficient information upon which to make a determination of wage rates.

§ 1.8 Hearings.

Whenever he deems it necessary because of insufficiency of information or impracticality of a field survey, or both, the Solicitor may direct a hearing to be held. He shall designate a hearing examiner who shall, after notice to all interested persons, proceed to the project area and make such investigations and conduct such hearings as may be necessary to make a determination of wage rates for the project.

§ 1.9 Pre-hearing conferences.

When it appears that a pre-hearing conference will expedite proceedings, the examiner prior to the hearing may request interested persons to attend a conference to consider such matters as may expedite the hearing.

§ 1.10 Hearing examiner's proposed decision.

The hearing examiner shall make a written proposed decision in which he shall:

(a) State the procedure that he has followed;

(b) Summarize briefly the evidence and information that he has received;

(c) Analyze the evidence and information;

(d) Draft a proposed decision for the Solicitor's consideration.

§ 1.11 Submission of hearing examiner's proposed decision to interested persons.

A copy of the hearing examiner's proposed decision shall be mailed to each interested person appearing at the hearing.

§ 1.12 Exceptions of interested persons.

Any interested person may within 5 days after receipt of the hearing exami-

[1] These definitions are not intended to restrict the meaning of the terms as used in the applicable statutes.

ner's proposed decision file his exceptions thereto. Such exceptions shall be filed with the Chief Hearing Examiner, U.S. Department of Labor, Washington 25, D.C., for transmission to the Solicitor.

§ 1.13 Decision of Solicitor.

The Solicitor shall rule upon any exceptions filed under § 1.12, and shall make a determination as to the prevailing wage rates for the project.

§ 1.14 Review by Wage Appeals Board.

Any interested person may appeal to the Wage Appeals Board for a review of a determination of wage rates by the Solicitor under this part, or any findings and conclusions made on the record of any hearings held under § 1.3(c). Any such appeal may, in the discretion of the Wage Appeals Board, be received, accepted, and decided in accordance with such procedures as the Board may establish.

§ 1.15 Public information.

Papers and documents containing information furnishing the basis for any determination of wage rates shall be available for public inspection under the procedure prescribed in § 2.6(a) of this subtitle. Copies of such papers and documents may be obtained without regard to the procedure prescribed in § 2.9 of this subtitle. The application of these procedures shall ensure that disclosure of the relevant information will be made in a manner which will not be detrimental to the public interest or to any person voluntarily submitting information who requested that such information be held confidential.

2. Part 3 of Title 29 of the Code of Federal Regulations is revised as follows:

PART 3—CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING OR PUBLIC WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

Sec.

AUTHORITY: The provisions of this part issued under R.S. 161, sec. 2, 48 Stat. 848; Reorg. Plan No. 14 of 1950, 64 Stat. 1267; 5 U.S.C. 22, 133z-note; 40 U.S.C. 276c.

§ 3.1 Purpose and scope.

This part prescribes "anti-kickback" regulations under section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c), popularly known as the Copeland Act. This part applies to any contract which is subject to Federal wage standards and which is for the construction, prosecution, completion, or repair of public buildings, public works or buildings or works financed in whole or in part by loans or grants from the United States. The part is intended to aid in the enforcement of the minimum wage provisions of the Davis-Bacon Act and the various statutes dealing with Federally-assisted construction that contain similar minimum wage provisions, including those provisions which are not subject to Reorganization Plan No. 14 (e.g., the College Housing Act of 1950, the Federal Water Pollution Control Act, and the Housing Act of 1959), and in the enforcement of the overtime provisions of the Contract Work Hours Standards Act whenever they are applicable to construction work. The part details the obligation of contractors and subcontractors relative to the weekly submission of statements regarding the wages paid on work covered thereby; sets forth the circumstances and procedures governing the making of payroll deductions from the wages of those employed on such work; and delineates the methods of payment permissible on such work.

§ 3.2 Definitions.

As used in the regulations in this part:

(a) The terms "building" or "work" generally include construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work. The terms include, without limitation, buildings, structures, and improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, powerlines, pumping stations, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals; dredging, shoring, scaffolding, drilling, blasting, excavating, clearing, and landscaping. Unless conducted in connection with and at the site of such a building or work as is described in the foregoing sentence, the manufacture or furnishing of materials, articles, supplies, or equipment (whether or not a Federal or State agency acquires title to such materials, articles, supplies, or equipment during the course of the manufacture or furnishing, or owns the materials from which they are manufactured or furnished) is not a "building" or "work" within the meaning of the regulations in this part.

(b) The terms "construction," "prosecution," "completion," or "repair" mean all types of work done on a particular building or work at the site thereof, including, without limitation, altering, remodeling, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or construction subcontractor, and the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of the building or work, by persons employed at the site by the contractor or subcontractor.

(c) The terms "public building" or "public work" include building or work for whose construction, prosecution, completion, or repair, as defined above, a Federal agency is a contracting party, regardless of whether title thereof is in a Federal agency.

(d) The term "building or work financed in whole or in part by loans or grants from the United States" includes building or work for whose construction, prosecution, completion, or repair, as defined above, payment or part payment is made directly or indirectly from funds provided by loans or grants by a Federal agency. The term does not include building or work for which Federal assistance is limited solely to loan guarantees or insurance.

(e) Every person paid by a contractor or subcontractor in any manner for his labor in the construction, prosecution, completion, or repair of a public building or public work or building or work financed in whole or in part by loans or grants from the United States is "employed" and receiving "wages," regardless of any contractual relationship alleged to exist between him and the real employer.

(f) The term "any affiliated person" includes a spouse, child, parent, or other close relative of the contractor or subcontractor; a partner or officer of the contractor or subcontractor; a corporation closely connected with the contractor or subcontractor as parent, subsidiary, or otherwise, and an officer or agent of such corporation.

(g) The term "Federal agency" means the United States, the District of Columbia, and all executive departments, independent establishments, administrative agencies, and instrumentalities of the United States and of the District of Columbia, including corporations, all or substantially all of the stock of which is beneficially owned by the United States, by the District of Columbia, or any of the foregoing departments, establishments, agencies, and instrumentalities.

§ 3.3 Weekly statement with respect to payment of wages.

(a) As used in this section, the term "employee" shall not apply to persons in classifications higher than that of laborer or mechanic and those who are the immediate supervisors of such employees.

(b) Each contractor or subcontractor engaged in the construction, prosecution, completion, or repair of any public building or public work, or building or work financed in whole or in part by loans or grants from the United States, shall furnish each week a statement with respect to the wages paid each of its employees engaged on work covered by these regulations during the preceding weekly payroll period. The statement shall be executed by the contractor or subcontractor or by an authorized officer or employee of the contractor or subcontractor who supervises the payment of wages, and shall be in the following form:

WEEKLY STATEMENT OF COMPLIANCE

_____, 19____

I, _____, _____
(Name of signatory party) (Title)
do hereby state:

(1) That I pay or supervise the payment of the persons employed by _____ (Contractor or subcontractor) on the _____; that (Building or work) during the payroll period commencing on the _____ day of _____, 19____, and ending on the _____ day of _____, 19____, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said _____ from (Contractor or subcontractor) the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Part 3), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 537; 40 U.S.C. 276c), and described below:

(Paragraph describing deductions, if any)

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the [Bureau of Apprenticeship and Training,] United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

_____
(Signature and title)

Section 1001 of Title 18 of the United States Code (Criminal Code and Criminal Procedure) shall apply to such statement as provided at 72 Stat. 967 (18 U.S.C. 1001, among other things, provides that whoever knowingly and willfully makes or uses a document or fraudulent statement of entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned not more than five years, or both).

(c) The requirements of this section shall not apply to any contract of $2,000 or less.

(d) Upon a written finding by the head of a Federal agency, the Secretary of Labor may provide reasonable limitations, variations, tolerances, and exemptions from the requirements of this section subject to such conditions as the Secretary of Labor may specify.

§ 3.4 Submission of weekly statements and the preservation and inspection of weekly payroll records.

(a) Each weekly statement required under § 3.3 shall be delivered by the contractor or subcontractor, within seven days after the regular payment date of the payroll period, to a representative of a Federal or State agency in charge at the site of the building or work, or, if there is no representative of a Federal or State agency at the site of the building or work, the statement shall be mailed by the contractor or subcontractor, within such time, to a Federal or State agency contracting for or financing the building or work. After such examination and check as may be made, such statement, or a copy thereof, shall be kept available, or shall be transmitted together with a report of any violation, in accordance with applicable procedures prescribed by the United States Department of Labor.

(b) Each contractor or subcontractor shall preserve his weekly payroll records for a period of three years from date of completion of the contract. The payroll records shall set out accurately and completely the name and address of each laborer and mechanic, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid. Such payroll records shall be made available at all times for inspection by the contracting officer or his authorized representative, and by authorized representatives of the Department of Labor.

§ 3.5 Payroll deductions permissible without application to or approval of the Secretary of Labor.

Deductions made under the circumstances or in the situations described in the paragraphs of this section may be made without application to and approval of the Secretary of Labor:

(a) Any deduction made in compliance with the requirements of Federal, State, or local law, such as Federal or State withholding income taxes and Federal social security taxes.

(b) Any deduction of sums previously paid to the employee as a bona fide prepayment of wages when such prepayment is made without discount or interest. A "bona fide prepayment of wages" is considered to have been made only when cash or its equivalent has been advanced to the person employed in such manner as to give him complete freedom of disposition of the advanced funds.

(c) Any deduction of amounts required by court process to be paid to another, unless, the deduction is in favor of the contractor, subcontractor, or any affiliated person, or when collusion or collaboration exists.

(d) Any deduction constituting a contribution on behalf of the person employed to funds established by the employer or representatives of employees, or both, for the purpose of providing either from principal or income, or both, medical or hospital care, pensions or annuities or retirement, death benefits, compensation for injuries, illness, accidents, sickness, or disability, or for insurance to provide any of the foregoing, or unemployment benefits, vacation pay, savings accounts, or similar payments for the benefit of employees, their families and dependents: *Provided, however,* That the following standards are met: (1) The deduction is not otherwise prohibited by law; (2) it is either: (i) Voluntarily consented to by the employee in writing and in advance of the period in which the work is to be done and such consent is not a condition either for the obtaining of or for the continuation of employment, or (ii) provided for in a bona fide collective bargaining agreement between the contractor or subcontractor and representatives of its employees; (3) no profit or other benefit is otherwise obtained, directly or indirectly, by the contractor or subcontractor or any affiliated person in the form of commission, dividend, or otherwise; and (4) the deductions shall serve the convenience and interest of the employee.

(e) Any deduction contributing toward the purchase of United States Defense Stamps and Bonds when voluntarily authorized by the employee.

(f) Any deduction requested by the employee to enable him to repay loans to or to purchase shares in credit unions organized and operated in accordance with Federal and State credit union statutes.

(g) Any deduction voluntarily authorized by the employee for the making of contributions to governmental or quasi-governmental agencies, such as the American Red Cross.

(h) Any deduction voluntarily authorized by the employee for the making of contributions to Community Chests, United Givers Funds, and similar charitable organizations.

(i) Any deductions to pay regular union initiation fees and membership dues, not including fines or special assessments: *Provided, however,* That a collective bargaining agreement between the contractor or subcontractor and representatives of its employees provides for such deductions and the deductions are not otherwise prohibited by law.

(j) Any deduction not more than for the "reasonable cost" of board, lodging, or other facilities meeting the requirements of section 3(m) of the Fair Labor Standards Act of 1938, as amended, and Part 531 of this title. When such a deduction is made the additional records required under § 516.25(a) of this title shall be kept.

§ 3.6 Payroll deductions permissible with the approval of the Secretary of Labor.

Any contractor or subcontractor may apply to the Secretary of Labor for permission to make any deduction not permitted under § 3.5. The Secretary may grant permission whenever he finds that:

(a) The contractor, subcontractor, or any affiliated person does not make a profit or benefit directly or indirectly from the deduction either in the form of a commission, dividend, or otherwise;

(b) The deduction is not otherwise prohibited by law;

(c) The deduction is either (1) voluntarily consented to by the employee in writing and in advance of the period in which the work is to be done and such consent is not a condition either for the obtaining of employment or its continuance, or (2) provided for in a bona fide collective bargaining agreement between the contractor or subcontractor and representatives of its employees; and

(d) The deduction serves the convenience and interest of the employee.

§ 3.7 Applications for the approval of the Secretary of Labor.

Any application for the making of payroll deductions under § 3.6 shall comply with the requirements prescribed in the following paragraphs of this section:

(a) The application shall be in writing and shall be addressed to the Secretary of Labor.

(b) The application shall identify the contract or contracts under which the work in question is to be performed. Permission will be given for deductions only on specific, identified contracts, except upon a showing of exceptional circumstances.

(c) The application shall state affirmatively that there is compliance with the standards set forth in the provisions of § 3.6. The affirmation shall be accompanied by a full statement of the facts indicating such compliance.

(d) The application shall include a description of the proposed deduction, the purpose to be served thereby, and the classes of laborers or mechanics from whose wages the proposed deduction would be made.

(e) The application shall state the name and business of any third person to whom any funds obtained from the proposed deductions are to be transmitted and the affiliation of such person, if any, with the applicant.

§ 3.8 Action by the Secretary of Labor upon applications.

The Secretary of Labor shall decide whether or not the requested deduction is permissible under provisions of § 3.6; and shall notify the applicant in writing of his decision.

§ 3.9 Prohibited payroll deductions.

Deductions not elsewhere provided for by this part and which are not found to be permissible under § 3.6 are prohibited.

§ 3.10 Methods of payment of wages.

The payment of wages shall be by cash, negotiable instruments payable on demand, or the additional forms of compensation for which deductions are permissible under this part. No other methods of payment shall be recognized on work subject to the Copeland Act.

§ 3.11 Regulations part of contract.

All contracts made with respect to the construction, prosecution, completion, or repair of any public building or public work or building or work financed in whole or in part by loans or grants from the United States covered by the regulations in this part shall expressly bind the contractor or subcontractor to comply with such of the regulations in this part as may be applicable. In this regard, see § 5.5(a) of this subtitle.

3. Part 5 of Title 29, Code of Federal Regulations, is revised as follows:

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION [1]

Sec.

AUTHORITY: The provisions of this part issued under R.S. 161, Reorg. Plan No. 14 of 1950, 64 Stat. 1267; sec. 2, 48 Stat. 948; sec. 10, 61 Stat. 89; 5 U.S.C. 22, 133z–15 note, 29 U.S.C. 258; 40 U.S.C. 276c.

§ 5.1 Purpose and scope.

(a) The regulations contained in this part are promulgated in order to coordinate the administration and enforcement of the labor standards provisions of each of the following acts by the Federal agencies responsible for their administration and such additional statutes as may from time to time confer upon the Secretary of Labor additional duties and responsibilities similar to those conferred upon him under Reorganization Plan No. 14 of 1950:

The Davis-Bacon Act (40 U.S.C. 276a–276a–7), and as extended to the Federal-Aid Highway Act of 1956 (23 U.S.C. 113).

Copeland Act (40 U.S.C. 276c).

The Contract Work Hours Standards Act (40 U.S.C. 327–330).

National Housing Act (12 U.S.C. 1713, 1715a, 1715c, 1715k, 1715(d) (3) and (4), 1715v, 1715w, 1715x, 1743, 1747, 1748b, 1748h–2, 1750g).

Hospital Survey and Construction Act (42 U.S.C. 291h).

Federal Airport Act (49 U.S.C. 1114).

Housing Act of 1949 (42 U.S.C. 1459).

School Survey & Construction Act of 1950 (20 U.S.C. 636).

Defense Housing & Community Facilities & Services Act of 1951 (42 U.S.C. 1592i).

United States Housing Act of 1937 (42 U.S.C. 1416).

Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281).

Area Redevelopment Act (42 U.S.C. 2518).

Delaware River Basin Compact (sec. 15.1, 75 Stat. 714).

Health Professions Educational Assistance Act of 1963 (sec. 721, 77 Stat. 167).

Mental Retardation Facilities Construction Act (secs. 101, 122, 135, 77 Stat. 282, 284, 288).

Community Mental Health Centers Act (sec. 205, 77 Stat. 292).

(b) Sections 5.3 and 5.4 contain the Department's procedural rules governing requests for wage determinations under the Davis-Bacon Act and its related statutes listed in § 1.1 of this subtitle and the use of such wage determinations.

§ 5.2 Definitions.

As used in this part:

(a) The term "Agency Head" means the principal official of the Federal Agency and includes those persons duly authorized to act in his behalf;

(b) The term "Contracting Officer" means the individual, his duly appointed successor, or his authorized representative who is designated and authorized to enter into contracts on behalf of the Federal agency, or other administering agency;

(c) The term "Apprentices" means persons who are indentured and employed in a bona fide apprenticeship program and individually registered by the program sponsor with a State Apprenticeship Agency which is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no recognized Agency exists in a State, in a program registered with the Bureau of Apprenticeship and Training, United States Department of Labor;

(d) The term "wage determination" includes the original decision and any subsequent decisions modifying, superseding, correcting, or otherwise changing the provisions of the original decision, issued prior to the award of the construction contract, except that under the National Housing Act changes in the decision shall be effective if made at any time prior to the beginning of construction. The use of the wage determination shall be subject to the provisions of § 5.4;

(e) The term "contract" means any contract within the scope of the labor standards provisions of any of the acts listed in § 5.1 and which is entered into for the actual construction, alteration and/or repair, including painting and decorating, of a public building or public work, or building or work financed in whole or in part from Federal funds or in accordance with guarantees of a Federal agency or financed from funds obtained by pledge of any contract of a Federal agency to make a loan, grant or annual contribution, except where a different meaning is expressly indicated;

(f) The terms "building" or "work" generally include construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work. The terms include without limitation, buildings, structures, and improvements of all types, such as

[1] Also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours Standards Act.

bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, canals, dredging, shoring, rehabilitation and reactivation of plants, scaffolding, drilling, blasting, excavating, clearing, and landscaping. The manufacture or furnishing of materials, articles, supplies or equipment (whether or not a Federal or State agency acquires title to such materials, articles, supplies, or equipment during the course of the manufacture or furnishing, or owns the materials from which they are manufactured or furnished) is not a "building" or "work" within the meaning of the regulations in this part unless conducted in connection with and at the site of such a building or work as is described in the foregoing sentence, or under the United States Housing Act of 1937 and the Housing Act of 1949 in the construction or development of the project.

(g) The terms "construction", "prosecution", "completion", or "repair" mean all types of work done on a particular building or work at the site thereof or under the United States Housing Act of 1937 and the Housing Act of 1949 in the construction or development of the project, including without limitation, altering, remodeling, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or construction subcontractor, and the manufacturing or furnishing of materials, articles, supplies or equipment on the site of the building or work, or under the United States Housing Act of 1937 and the Housing Act of 1949 in the construction or development of the project, by persons employed by the contractor or subcontractor. A mere token beginning of the work shall not be deemed to be the "beginning of construction" as that term is used in the National Housing Act.

(h) The term "public building" or "public work" includes building or work, the construction, prosecution, completion, or repair of which, as defined above, is carried on directly by authority of or with funds of a Federal agency to serve the interest of the general public regardless of whether title thereof is in a Federal agency. However, the term "initial construction" in the Federal-Aid Highway Act of 1956 does not include repair or maintenance work.

(i) Every person paid by a contractor or subcontractor in any manner for his labor in the construction, prosecution, completion, or repair of a public building or public work, or building or work financed in whole or in part by loans, grants, or guarantees from the United States, is "employed" and receiving "wages", regardless of any contractual relationship alleged to exist.

(j) The term "Federal agency" means the United States, the District of Columbia, and all executive departments, independent establishments, administrative agencies, and instrumentalities of the United States and of the District of Columbia, including corporations, all or substantially all of the stock of which is beneficially owned by the United States, by the District of Columbia, or any of the foregoing departments, establishments, agencies, and instrumentalities.

§ 5.3 Procedure for requesting wage determinations.

(a) (1) The Federal Agency (or State Highway Department under the Federal-Aid Highway Act of 1956) shall initially request a wage determination under the Davis-Bacon Act or any of its related prevailing wage statutes by submitting to the Solicitor of Labor, United States Department of Labor, Washington 25, D.C., a completed Department of Labor Form DB–11 or DB–11(a), whichever form is appropriate. These forms are available from the Office of the Solicitor, United States Department of Labor. The agency shall check only those classifications on DB–11 and DB–11(a) which will be needed in the performance of the work (inserting a note such as "entire schedule" or "all applicable classifications" is not sufficient). Additional classifications needed which are not on the form may be typed in the blank spaces or on a separate list and attached to the form. The agency shall not list classifications which can be fitted into classifications on the form, or classifications which are not generally recognized in the area or in the construction industry.

(2) In completing Form DB–11 or DB–11(a), the agency shall furnish:

(i) A sufficiently detailed description of the work to indicate whether heavy, highway, or building construction, or any other type of construction is involved. Additional description or separate attachment, if necessary for identification of type of project, shall be furnished.

(ii) Location of the proposed project (include distance in miles and direction from the nearest point of reference).

(iii) The agency's evaluation as to whether the project is a building, heavy, highway or other type of construction project.

(3) Such request for a wage determination shall be accompanied by any pertinent wage payment information, which may be available. This information need not accompany a request in areas where the wage patterns are clearly established. When the requesting agency is a State Highway Department under the Federal-Aid Highway Act of 1956, such agency shall also include its recommendations as to the wages which are prevailing for each classification of laborers and mechanics on similar construction in the immediate locality.

(b) Whenever the wage patterns in a particular area for a particular type of construction are well settled and whenever the agency anticipates a large volume of procurement in that area for such a type of construction, it may request the issuance of a general wage determination for use on individual contracts for that type of construction in that area. In his discretion, the Secretary of Labor may issue such a general wage determination when, after consideration of the facts and circumstances involved, he finds that the applicable statutory standards and those of Part 1 of this subtitle will be met.

(c) The time required for processing requests for wage determinations varies according to the facts and circumstances in each case. An agency should anticipate that such processing in the Department of Labor will take at least 30 days.

§ 5.4 Use and effectiveness of wage determinations.

(a) Wage determinations initially issued shall be effective for 120 calendar days from the date of such determinations. If such a wage determination is not used in the period of its effectiveness, it is void. If it appears that a wage determination may expire between bid opening and award, the agency should request a new wage determination sufficiently in advance of the bid opening to assure receipt prior thereto. However, when due to unavoidable circumstances a determination expires before award and after bid opening, the Solicitor upon a written finding to that effect by the Head of the Federal Agency in individual cases may extend the expiration date of a determination whenever he finds it necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment in the conduct of Government business.

(b) All actions modifying an original wage determination prior to the award of the contract or contracts for which the determination was sought shall be applicable thereto, but modifications received by the Federal agency (in the case of the Federal-Aid Highway Act of 1956, the State Highway Department of each State) later than 10 days before the opening of bids shall not be effective. Similarly, in the case of contracts entered into pursuant to the National Housing Act, changes or modifications in the original determination shall be effective if made prior to the beginning of construction, but shall not apply after the mortgage is initially endorsed by the Federal agency. A modification in no case will continue in effect beyond the effective period of the wage determination to which it relates.

(c) Upon his own initiative or the request of a Federal agency (or a State Highway Department under the Federal-Aid Highway Act of 1956), the Secretary shall correct any wage determination included in a contract subject to the minimum wage provisions of the statutes listed in § 1.1 of this subtitle whenever he finds such a wage determination contains clerical errors.

§ 5.5 Contract provisions and related matters.

(a) The Agency Head shall cause or require to be inserted in full in any contract subject to the labor standards provisions of any of the acts listed in § 5.1, except those subject only to the Contract Work Hours Standards Act, the following clauses or any modifications thereof to meet the particular needs of the agency if first approved by the Department of Labor:

(1) *Minimum wages.*

(i) All mechanics and laborers employed or working upon the site of the work, or under the United States Housing Act of 1937

or under the Housing Act of 1949 in the construction or development of the project, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(ii) The contracting officer shall require that any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination, and a report of the action taken shall be sent by the Federal agency to the Secretary of Labor. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question accompanied by the recommendation of the contracting officer shall be referred to the Secretary for final determination.

(2) *Withholding.*

The [write in name of Federal agency] may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic employed or working on the site of the work, or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project, all or part of the wages required by the contract, the [Agency] may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) *Payrolls and payroll records.*

(i) Payrolls and basic payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work, or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid.

(ii) The contractor will submit weekly a copy of all payrolls to the [write in name of appropriate Federal agency] if the agency is a party to the contract but if the agency is not such a party the contractor will submit the payrolls to the applicant, sponsor, or owner, as the case may be, for transmission to the [write in name of agency]. The copy shall be accompanied by a statement indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance" which is required under this contract and the Copeland regulations of the Secretary of Labor (29 CFR, Part 3) shall satisfy this requirement. The contractor will make his employment records available for inspection by authorized representatives of the [write in name of agency] and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

(4) *Apprentices.* Apprentices will be permitted to work as such only when they are registered, individually, under a bone fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, United States Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish written evidence of the registration of his program and apprentices as well as of the appropriate ratios and wage rates, prior to using any apprentices on the contract work.

(5) *Compliance with Copeland Regulations (29 CFR Part 3).* The contractor shall comply with the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

(6) *Subcontracts.* The contractor will insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (5) and (7) and such other clauses as the (write in the name of Federal agency) may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

(7) *Contract termination; debarment.* A breach of clauses (1) through (6) may be grounds for termination of the contract, and for debarment as provided in 29 CFR 5.6.

(b) In the construction of a dwelling or dewellings insured under 12 U.S.C. 1715v or 1715w, compliance with the requirements of paragraph (a) of this section may be waived by the Federal Housing Commissioner in cases or classes of cases where laborers or mechanics, not otherwise employed at any time on the project, voluntarily donate their services without full compensation for the project, voluntarily donate their construction and the Federal Housing Commissioner determines that any amounts saved thereby are fully credited to the nonprofit corporation, association, or other organization undertaking the construction.

(c) The Agency Head shall cause or require the following clauses set forth in subparagraphs (1), (2), (3) and (4) of this paragraph to be included in full in any contract subject to the Contract Work Hours Standards Act. As used in this paragraph, the terms "laborers" and "mechanics" include watchmen and guards.

(1) *Overtime requirements.* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, as the case may be.

(2) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the clause set forth in subparagraph (1), the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the clause set forth in subparagraph (1), in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in subparagraph (1).

(3) *Withholding for unpaid wages and liquidated damages.* The (write in the name of the Federal agency) may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in subparagraph (2).

(4) *Subcontracts.* The contractor shall insert in any subcontracts the clauses set forth in subparagraphs (1), (2), and (3) of this paragraph and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

(d) In any contract required to contain the withholding clause set forth in subparagraph (2) of paragraph (a) of this section, the Federal Agency may modify the clause in subparagraph (3) of paragraph (c) of this section so as to refer only to the withholding and determination of sums for liquidated damages.

(e) In any contract subject only to the Contract Work Hours Standards Act and not to any of the other statutes cited in § 5.1, the Agency Head shall cause or require to be inserted a clause requiring the maintenance of records containing the information specified in § 516.2(a) of this subtitle. Records containing such information shall be preserved for a period of three years from the completion of the contract.

(f) In contracts subject to section 803 of the National Housing Act, the Agency Head shall cause or require inclusion of the following clause: Every laborer and mechanic employed by the contractor or any subcontractor engaged in the construction of the project shall receive compensation at a rate of not less than one and one-half times his basic or regular rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in the workweek, as the case may be.

§ 5.6 Enforcement.

(a)(1) It shall be the responsibility of the Federal agency to ascertain whether the clauses required by § 5.5 have been inserted in the contracts. Agencies which do not directly enter into such contracts shall promulgate the necessary regulations or procedures to require that the contracts contain the provisions of § 5.5 or such modifications thereof which have been approved by the Department of Labor. No payment, advance, grant, loan or guarantee of funds shall be approved by the Federal agency after the beginning of construction unless there is on file with the agency a certification by the contractor that he and his subcontractors have complied or that there is a substantial dispute with respect to the required provisions.

(2) The Federal agency shall make such examination of the submitted payrolls and statements as may be necessary to assure compliance with the labor standards clauses required by the regulations contained in this part and the applicable statutes listed in § 5.1. In connection with such examination particular attention should be given to the correctness of classifications and disproportionate employment of laborers, helpers or apprentices. Such payrolls and statements shall be preserved by the agency for a period of 3 years from the date of completion of the contract and shall be produced at the request of the Secretary of Labor at any time during the 3-year period.

(3) In addition to the examination of payrolls and statements required by subparagraph (2) of this paragraph, the Federal agency shall cause investigations to be made as may be necessary to assure compliance with the labor standards clauses required by the regulations contained in this part and the applicable statutes listed in § 5.1. Projects where the contract is of short duration (6 months or less) shall be investigated before the work is accepted, if feasible. In the case of contracts which extend over a long period of time the investigation shall be made with such frequency as may be necessary to assure compliance. Such investigations shall include interviews with employees and examinations of payroll data to determine the correctness of classifications and disproportionate employment of laborers, helpers, or apprentices. Complaints of alleged violations shall be given priority and statements, written or oral, made by an employee shall be treated as confidential and shall not be disclosed to his employer without the consent of the employee.

(b)(1) Whenever any contractor or subcontractor is found by the Secretary of Labor or the Agency Head with the concurrence of the Secretary of Labor to be in aggravated or willful violation of the labor standards provisions of any of the applicable statutes listed in § 5.1, other than the Davis-Bacon Act, such contractor or subcontractor or any firm, corporation, partnership, or association in which such contractor or subcontractor has a substantial interest shall be ineligible for a period not to exceed 3 years (from the date of publication by the Comptroller General of the name or names of said contractor or subcontractor on the ineligible list as provided below) to receive any contracts subject to any of the statutes listed in § 5.1. *Provided, however,* That the Solicitor shall direct the removal from the debarred bidders list of any contractor or subcontractor whom he has found to have demonstrated a current responsibility to comply with the labor standards provisions applicable to Federal contracts and Federally-assisted construction work subject to any of the applicable statutes listed in § 5.1. In cases arising under contracts covered by the Davis-Bacon Act, the ineligibility provision prescribed in that act shall govern.

(2) The Agency Head shall furnish to the Secretary of Labor for transmittal to the Comptroller General the names of the persons or firms who have been found to have disregarded their obligations to employees. The Comptroller General will distribute a list to all Departments of the Government giving the names of such ineligible persons or firms.

(c)(1) Whenever as a result of an investigation conducted by the Agency or the Department of Labor, the officer in charge of the Wage Determination Division, Office of the Solicitor, finds reasonable cause to believe that a contractor or subcontractor has committed willful or aggravated violations of the labor standards provisions of any of the statutes listed in § 5.1 (other than the Davis-Bacon Act), or has committed violations of the Davis-Bacon Act which constitute a disregard of its obligations to employees or subcontractors under section 3(a) thereof, the aforesaid Wage Determination Officer shall promptly notify by registered or certified mail the contractor or subcontractor and its responsible officers, if any (and any firms in which the contractor or subcontractor are known to have a substantial interest), of this finding and afford such contractor or subcontractor and any other parties notified an opportunity to present such reasons or considerations as they have to offer relating to why debarment action should not be taken under § 5.6(b) of this part or section 3(a) of the Davis-Bacon Act. The aforesaid Wage Determination Officer shall furnish to those notified a summary of the investigative findings, and shall make available to them any information disclosed by the investigation which is not privileged or found confidential for good cause. If this opportunity is requested, an informal proceeding shall be held before a hearing examiner, a regional attorney, or any other Departmental officer of appropriate ability. At the conclusion of the informal proceeding, the presiding officer shall issue his decision which shall be served by registered or certified mail upon the interested parties.

(2) Within 30 days after service of the decision, any party may file objections to the decision with the Solicitor of Labor, United States Department of Labor, Washington, D.C. Such objections shall be specific, and shall be accompanied by reasons or bases therefor. In his discretion, the Solicitor may permit oral argument. If no objections are filed, the decision of the presiding officer shall be final, except in cases under section 3 of the Davis-Bacon Act as to any action to be taken by the Comptroller General under that section.

(3) The decision of the Solicitor shall show a ruling upon each objection presented, and shall include a statement of (i) the findings and conclusions, as well as the reasons or bases therefor, upon all material issues of fact, law, or discretion presented on the record, and (ii) an appropriate order or recommendation. The decision of the Solicitor shall be final, except in cases accepted for review, upon petition, by the Wage Appeals Board[2] and in cases under section 3 of the Davis-Bacon Act as to any action to be taken by the Comptroller General under that section.

(d) Any person or firm debarred under § 5.6(b) may in writing request removal from the debarment list. The procedure for removal shall be substantially similar to the debarment procedure set forth in paragraph (c) of this section. That is, the person or firm shall have an opportunity to demonstrate in an informal proceeding a current responsibility to comply with the labor standards provisions applicable to Federal contracts and to Federally assisted construction work and to file objections to the presiding officer's decision for consideration by the Solicitor of Labor.

§ 5.7 Reports to the Secretary of Labor.

(a) *Enforcement reports.* (1) Where underpayments total less than $500.00 and are nonwillful, and where restitution has been effected and future compliance assured, the Federal agency need not submit its investigative findings and recommendations, except where the Department of Labor has expressly requested that the investigation be made. In the latter case, the investigating agency shall submit a factual summary report including any data on the amount of restitution paid, the number of workers who received restitution, liquidated damages assessed, corrective measures taken (such as "letters of notice"), and any information that may be necessary to review any recommendations for an appropriate adjustment in liquidated damages under § 5.8.

(2) Where underpayments total $500 or more, or are willful, the Federal agency shall furnish to the Department of Labor, as soon as practicable, a detailed enforcement report. The report should be prepared in accordance with the "Investigation and Enforcement Manual" published by the Department of Labor with respect to "Labor Standards Provisions Applicable to Contracts Covering Federally-Financed and Assisted Construction". In cases involving underpayments under the Davis-Bacon Act, the report should meet the reporting requirements contained in Comptroller General's Letter B-3368, dated March 19, 1957.

(b) *Semiannual enforcement reports.* To assist the Secretary of Labor in ful-

[2] The Wage Appeals Board is established by Secretary of Labor's Order 32-63 published in the FEDERAL REGISTER on this date.

filling his responsibilities under Reorganization Plan 14 of 1950, Federal agencies shall furnish the Secretary by July 15 and January 15 of each year semiannual reports on compliance with and enforcement of the labor standards provisions of the Davis-Bacon Act and related acts covering the periods of January 1 through June 30 and July 1 through December 31, respectively. These reports should include the number of employee interviews conducted, the amount of restitution effected, the number of workers who received such restitution, any liquidated damages assessed, other corrective measures taken (such as "letters of notice"), and other pertinent data.

(c) *Additional information.* Upon request, the Agency Head shall transmit to the Secretary of Labor such information available to the Agency with respect to contractors and subcontractors, their contracts, and the nature of the contract work as the Secretary may find necessary for the performance of his duties with respect to the labor standards provisions referred to in this part.

(d) *Contract termination.* Where the contract is terminated by reason of violations of the labor standards a report shall be submitted to the Secretary of Labor and the Comptroller General giving the name and address of the contractor or subcontractor whose right to proceed has been terminated, the name and address of the contractor or subcontractor, if any, who is to complete the work, the amount and number of his contract, and the description of the work he is to perform.

§ 5.8 Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work Hours Standards Act.

(a) *Findings and recommendations by the head of the Agency.* Whenever the head of an agency finds that a sum of liquidated damages administratively determined to be due under section 104(a) of the Contract Work Hours Standards Act and to be in excess of $100.00, is incorrect or that the contractor or subcontractor violated inadvertently the provisions of the Contract Work Hours Standards Act notwithstanding the exercise of due care upon the part of the contractor or subcontractor involved, he may make recommendations to the Secretary that an appropriate adjustment in liquidated damages be made or that the contractor or subcontractor be relieved of liability for such liquidated damages. Such findings with respect to liquidated damages necessarily include findings with respect to any wage underpayments for which the liquidated damages are determined.

(b) The recommendations of the head of an agency submitted to the Department of Labor under paragraph (a) of this section shall be reviewed initially by the officer in charge of the Division of Wage Determinations. Whenever such officer concurs in the findings and recommendations of the head of the agency, he shall issue an order to that effect, which shall be the final action of the Department of Labor with respect to the issues involved. Whenever such officer makes findings differing from those of the head of the agency, his decision shall be transmitted forthwith to the Solicitor for review. The Solicitor shall issue a decision and order. In its discretion, the Wage Appeals Board may review the decision and order of the Solicitor.

(c) Whenever the head of an agency finds that a sum of liquidated damages administratively determined to be due under section 104(a) of the Contract Work Hours Standards Act and to be $100.00 or less is incorrect or that the contractor or subcontractor violated inadvertently the provisions of the Contract Work Hours Standards Act notwithstanding the exercise of due care upon the part of the contractor or subcontractor involved, he may make an appropriate adjustment in such liquidated damages or relieve the contractor or subcontractor of liability for such liquidated damages without submitting recommendations to this effect to the Secretary. This delegation of authority is made under section 105 of the Contract Work Hours Standards Act and has been found to be necessary and proper in the public interest to prevent undue hardship and to avoid serious impairment of the conduct of Government business.

§ 5.9 Suspension of funds.

In the event of failure or refusal of the contractor or any subcontractor to comply with labor standards stipulations required by the regulations contained in this part and the applicable statutes listed in § 5.1, the Federal agency shall take such action as may be necessary to cause the suspension of the payment, advance or guarantee of funds until such time as the violations are discontinued or until sufficient funds are withheld to compensate employees for the wages to which they are entitled and to cover any liquidated damages which may be due.

§ 5.10 Restitution, criminal action.

(a) The Agency Head may, in appropriate cases where violations of the labor standards stipulations required by the regulations contained in this part and the applicable statutes listed in § 5.1 resulting in underpayment of wages to employees are found to be nonwillful, order that restitution be made to such employees.

(b) In cases where the Agency Head finds substantial evidence that such violations are willful and in violation of a criminal statute, the Agency Head shall forward the matter to the Attorney General of the United States for prosecution if the facts warrant. In all such cases the Secretary of Labor shall be informed of the action taken.

§ 5.11 Department of Labor investigations, hearings.

(a) The Secretary of Labor shall cause to be made such investigations as he deems necessary, in order to obtain compliance with the labor standards provisions of the applicable statutes listed in § 5.1, or to affirm or reject the recommendations by the Head of an agency for an appropriate adjustment in liquidated damages assessed under the Contract Work Hours Standards Act. Federal agencies, contractors, subcontractors, sponsors, applicants or owners shall cooperate with any authorized representative of the Department of Labor in the inspection of records, in interviews with workers, and in all other aspects of the investigation. Any authorized representative of the Department of Labor under this section is deemed a person designated to aid in the enforcement of the overtime standards required by the Contract Work Hours Standards Act within the meaning of section 104(a) of that Act. A report of the investigation of such representative shall be transmitted to proper officers of the United States, any territory or possession, as the case may be, as required by the aforesaid section 104(a).

(b) In the event of disputes concerning the payment of prevailing wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations, the Secretary of Labor may, upon request by a Federal agency, direct a hearing to be held. For the purpose of the hearing the Secretary of Labor shall, in writing, designate a hearing examiner who shall, after notice to all interested parties, make such investigation and conduct such hearings as may be necessary and render a decision embodying his findings and conclusions and if wages are found to be due, the amounts thereof. The hearing examiner's decision shall be sent to the interested parties and shall be final unless a petition for review of the decision by the Solicitor of Labor is filed by any such parties in quadruplicate with the Chief Hearing Examiner, United States Department of Labor, Washington 25, D.C., within 20 days after receipt thereof. The petition for review must set out separately and particularly each objection asserted. The petition for review and the record which shall include the examiner's decision then shall be certified by the hearing examiner to the Solicitor of Labor. The petitioner may file a brief (original and four copies) in support of his petition within the 20-day period and any interested party upon whom the hearing examiner's decision has been served may within 10 days after the expiration of the time for filing the petition for review, file a brief in support of, or in opposition to the hearing examiner's decision. The Solicitor of Labor's decision shall be subject to such further review by the Wage Appeals Board, as it may provide in its discretion.

§ 5.12 Rulings and interpretations.

All questions arising in any agency relating to the application and interpretation of the rules contained in this part and in Parts 1 and 3 of this subtitle, and of the labor standards provisions of any of the statutes listed in § 5.1 shall be referred to the Secretary for appropriate ruling or interpretation. The rulings and interpretations shall be authoritative and those under the Davis-Bacon Act may be relied upon as provided for in section 10 of the Portal-to-Portal Act of 1947 (29 U.S.C. 259). Requests for such rulings and interpretations should be addressed to the Secretary of Labor, United

States Department of Labor, Washington 25, D.C.

§ 5.13 Variations, tolerances and exemptions from Parts 1 and 3 of this subtitle and this part.

The Secretary may make variations, tolerances, and exemptions from the requirements of this part and those of Parts 1 and 3 of this subtitle whenever he finds that such action is necessary and proper in the public interest or to prevent injustice and undue hardship.

§ 5.14 Limitations, variations, tolerances, and exemptions under the Contract Work Hours Standards Act.

(a) *General.* Upon his own initiative or upon the request of any Federal agency, the Secretary of Labor may provide under section 105 of the Contract Work Hours Standards Act reasonable limitations and allow variations, tolerances, and exemptions to and from any or all provisions of that Act whenever he finds such action to be necessary and proper in the public interest to prevent injustice, or undue hardship, or to avoid serious impairment of the conduct of Government business. Any request for such action by the Secretary shall be submitted in writing, and shall set forth the reasons for which the request is made.

(b) *Exemptions.* Pursuant to section 105 of the Contract Work Hours Standards Act, the following classes of contracts are found exempt from all provisions of that Act in order to prevent injustice, undue hardship, or serious impairment of Government business:

(1) Agreements entered into by or on behalf of the Commodity Credit Corporation providing for the storing in or handling by commercial warehouses of wheat, corn, oats, barley, rye, grain sorghums, soybeans, flaxseed, rice, naval stores, tobacco, peanuts, dry beans, seeds, cotton, and wool.

(2) Sales of surplus power by the Tennessee Valley Authority to States, counties, municipalities, cooperative organization of citizens or farmers, corporations and other individuals pursuant to section 10 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i).

(3) Contracts of $2,000.00 or less.

(4) Purchases and contracts other construction contracts in the aggregate amount of $2,500.00 or less. In arriving at the aggregate amount involved, there must be included all property and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising.

(5) Contract work performed in a workplace within a foreign country or within territory under the jurisdiction of the United States other than the following: A State of the United States; the District of Columbia; Puerto Rico; the Virgin Islands; Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (ch. 345; 67 Stat. 462); American Samoa; Guam; Wake Island; and the Canal Zone.

(c) *Tolerances.* (1) The "basic rate of pay" under section 102 of the Contract Work Hours Standards Act may be computed as an hourly equivalent to the rate on which time-and-one-half overtime compensation may be computed and paid under section 7 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 207), as interpreted in Part 778 of this title. This tolerance is found to be necessary and proper in the public interest in order to prevent undue hardship.

(2) Concerning the tolerance provided in subparagraph (1) of this paragraph, the provisions of section 7(d)(2) of the Fair Labor Standards Act and § 778.7 of this title should be noted. Under these provisions, payments for occasional periods when no work is performed, due to vacations, and similar causes are excludable from the "regular rate" under the Fair Labor Standards Act. Such payments, therefore, are also excludable from the "basic rate" under the Contract Work Hours Standards Act.

(3) See § 5.8(c) providing a tolerance subdelegating authority to the heads of agencies to make appropriate adjustments in the assessment of liquidated damages totaling $100.00 or less under specified circumstances.

Signed at Washington, D.C., this 30th day of December 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64-65; Filed, Jan. 3, 1964; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 34206]

PART 123—FREIGHT COMMODITY STATISTICS

Miscellaneous Amendments

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of December, A.D. 1963.

By order of September 13, 1963, in the above entitled proceeding the Commission required that, effective with reports for the first quarter of 1964 or for that year, as the case might be, and thereafter until further order, class I and II railroads, other than switching or terminal companies, class A and B water carriers, maritime carriers, electric railways, and class I common and contract motor carriers of property, as specified therein, should report commodity statistics on the basis of the 3, 4, and 5-digit codes set out in 49 CFR, § 123.52 *Commodity codes required,* as prescribed therein.

On the same date the Commission instituted a rule-making proceeding, No. 34315, Commodity Statistics Reporting—Extent and Disclosure, to consider, among other things, whether to impose rules withholding all or part of commodity statistics reports of railroads, electric railways and water carriers from public inspection, and reopened Ex Parte No. 205, Motor Carrier Freight Commodity Statistics, for reconsideration with No. 34315.

By petition filed October 30, 1963, the Association of American Railroads asks for reconsideration of the order in No. 34206, and modification of the effective date, specifically: (1) That the effective date of January 1, 1964 be postponed until the first day of the calendar quarter following a final order disposing of the disclosure issue in No. 34315; or (2) that, if no change be made in the effective date, (a) class I railroads be excused from filing commodity reports under the code prescribed in No. 34206 until such final order is entered in No. 34315, or (b) the class I railroad reports filed under No. 34206 be withheld from public disclosure pending entry of such order in No. 34315; or (3) that the Commission adopt a code based entirely on the 35 2-digit groups; and (4) that, reporting classes be defined by Commission recognition and adoption of the definitions contained in the Association's 7-digit code, its "Standard Transportation Commodity Code." The named AAR code is compatible with the Bureau of the Budget's "Commodity Classification for Transportation Statistics" through the 5-digit level, and with the selected codes required to be reported under No. 34206. There were no replies to the petition.

The Association asserts that the inequality of disclosure, which it believes to exist in present reporting requirements would be increased under the order in No. 34206, which requires the reporting of more commodity detail than presently is the case, and continues the railroad reporting on a quarterly as well as annual basis. The individual commodity statistics reports by railroads, on quarterly and annual bases, would continue to be open to public inspection, while the annual reports by motor carriers would still be withheld from public inspection under 49 CFR Part 2067.

In view of the desirability that the collection of data, on the basis of the revised commodity codes in No. 34206 be made effective at the earliest possible date, the request for postponement of the January 1964 effective date will be denied. The request that class I railroads be excused from filing commodity statistics reports until disposition of No. 34315, likewise objectionable because of delay, also might render difficult or impossible the collection, at some future date, of commodity data on the basis prescribed in No. 34206. This request accordingly will be denied.

In further consideration of the desirability of establishing reporting under No. 34206 by January 1, 1964, and of the pendency in No. 34315 of questions as to the disclosure of commodity statistics reports by carriers of all modes, there would appear to be no reason why the petition should not be granted so far as it requests the withholding of individual class I railroad reports from inspection, pending disposition of No. 34315.

As the individual commodity statistics reports to be filed by railroads will be withheld from public inspection pending disposition of No. 34315, the alternative request under (3) for adoption of a 2-

digit code will be denied. Further, such a code would not be in sufficient detail for Commission purposes.

The request under (4), that the Commission define its reporting classes by official recognition of the Association's 7-digit code, is proposed to make available to all modes required to report under No. 34206, an officially recognized index of commodities, as has been compiled by the railroads for their own use. It is asserted that motor carriers do not have such an index, and that, without a uniform index, the reporting of commodity statistics would lack the degree of identity which is a primary purpose of reporting under this proceeding. In a letter transmitted to all reporting carriers on November 29, 1963, the Bureau of Transport Economics and Statistics stated that the BOB commodity code and the AAR STCC index might be obtained and used in determining the various items to be included in the reporting classes of the Commission's new code until such time as the Bureau makes an index available. Accordingly, official recognition of the AAR STCC index does not appear to be required.

Upon further consideration of the matters and things involved in No. 34206, and of the petition of the Association of American Railroads, filed October 30, 1963, for reconsideration of the order therein, for modification of the effective date prescribed, and for certain other relief, as set out above, and good cause appearing therefor:

It is ordered, That the said petition of the Association of American Railroads, in so far as it requests withholding from public inspection the individual commodity statistics reports of individual class I railroads filed pursuant to the requirements in No. 34206, pending disposition of the disclosure issue in No. 34315, be and it is hereby granted, and that, said petition, in all other respects be and it is hereby denied.

It is further ordered, That the following paragraph numbered § 123.6 shall apply as to commodity statistics reports of class I railroads filed pursuant to the order of September 13, 1963, in No. 34206, Commodity Classification for Reporting Purposes:

It is further ordered, That 49 CFR Part 123 be modified and amended by adding thereto the following ordering paragraph, numbered § 123.6:

§ 123.6 Public inspection—railroad reports.

The individual commodity statistics reports of class I railroads, required to be filed, for the quarter or year beginning January 1, 1964, as the case might be, and later, under the terms of § 123.1 of the order of September 13, 1963, in No. 34206, Commodity Classification for Reporting Purposes, 49 CFR 123.1, shall not be open to public inspection, pending disposition of the disclosure issue in No. 34315, Commodity Statistics Reporting—Extent and Disclosure.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

It is further ordered, That the codes prescribed in § 123.52 *Commodity codes required* of the order of September 13, 1963, in No. 34206, for reports for the year or quarter beginning January 1, 1964, as the case might, and later, be, and they are hereby, modified and amended, as set out below, and that the codes in 49 CFR 123.52, be modified and amended in the following respects:

§ 123.52 Commodity codes required.

* * * * *

	Code	Description
Change	29112	Kerosene, distillate fuel oil, residual fuel oil and other low volatile petroleum fuels.
to read	29112	Kerosene.
Add	29113	Distillate fuel oil.
and	29117	Residual fuel oil and other low volatile petroleum fuels.
Change	41114	Articles, used exc. for repair, reconditioning see 4115, returned empty see 421, remelting see 4034.
to read	41114	Articles, used except for repair, reconditioning (41115) returned empty (421), remelting (4021).
Delete	43	Small Packaged Freight Shipments.
and	431	Small Packaged Freight Shipments, Inc. LCL or LTL.
Add	47	Small Packaged Freight Shipments.
and	471	Small Packaged Freight Shipments, Including LCL and LTL.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12, sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304, and sec. 304, 54 Stat. 933; 49 U.S.C. 904. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20, sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320, and sec. 313, 54 Stat. 944, as amended; 49 U.S.C. 913)

And it is further ordered, That a copy of this order shall be served upon or mailed to each railroad, electric railway, water carrier, maritime carrier, and motor carrier subject to the commodity statistics reporting requirements of 49 CFR Parts 123, 206, or 301, as the case might be, and that notice shall be given to the general public by posting a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-68; Filed, Jan. 3, 1964; 8:46 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-6]

PART 170—COMMERCIAL ZONES

Philadelphia, Pa.

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 19th day of November, A.D. 1963.

It appearing, That on July 21, 1939, the Commission, division 1, made and filed its report, 17 M.C.C. 533, and order in the above-entitled proceeding, describing the zone adjacent to and commercially a part of Philadelphia, Pa., contemplated by section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8));

It further appearing, That by order of said division entered in this proceeding March 19, 1962, such description was modified in certain respects;

And it further appearing, That by petition filed May 3, 1962, as amended, Delaware Valley Industrial Properties, Inc., and eight other industrial enterprises, seek modification so as to include an additional area within the limits of the commercial zone of Philadelphia, Pa.;

and good cause appearing therefor:

It is ordered, That the said proceeding be, and it is hereby, reopened for further consideration.

It is further ordered, That § 170.6 as prescribed in the order entered in this proceeding on March 19, 1962 (49 CFR 170.6), be, and it is hereby, vacated and set aside, and the following revision is hereby substituted in lieu thereof:

§ 170.6 Philadelphia, Pa.

The zone adjacent to and commercially a part of Philadelphia, Pa., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, managment, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) includes and is comprised of all points as follows:

(a) The area within Pennsylvania included within the corporate limits of Philadelphia and Bensalem and Lower Southhampton Townships in Bucks County; Conshohocken and West Conshohocken, Pa., and Lower Moreland, Abington, Cheltenham, Springfield, Whitemarsh, and Lower Merion Townships in Montgomery County; an area in Upper Dublin Township, Montgomery County, bounded by a line beginning at the intersection of Pennsylvania Avenue and Fort Washington Avenue and extending northeast along Fort Washington Avenue to its junction with Susquehanna Road, thence southeast along Susquehanna Road to its junction with the right of way of the Pennsylvania Railroad Company, thence southwest along the right of way of the Pennsylvania Railroad Company to Pennsylvania Avenue, thence northwest along Pennsylvania Avenue to its junction with Fort Washington Avenue, the point of beginning;

Haverford Township in Delaware County; and an area in Delaware County south and east of a line extending southward from the intersection of the western and northern boundaries of Upper Darby Township along Darby Creek to Bishop Avenue, thence south along Bishop Avenue to Baltimore Pike, thence west along Baltimore Pike to Pennsylvania Highway 320, thence south along Pennsylvania Highway 320 to the corporate limits of Chester, thence along the northern corporate limit of Chester in a westerly direction to the eastern boundary of Upper Chichester Township, thence south to the southern boundary of said township along the eastern boundary thereof, and thence west along the southern boundary of said township to the Delaware State line, and thence south along the Delaware State line to the Delaware River, and

(b) The area in New Jersey included in the corporate limits of Camden, Gloucester City, Woodlynne, Merchantville, and Palmyra Boroughs, and the area included in Pennsauken Township in Camden County.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective January 31, 1964, and shall continue in effect until the futher order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, division 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-69; Filed, Jan. 3, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Notice of Proposed Change in Fiscal Period and Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of proposed rule making relating to amendment of § 959.104 *Fiscal period* and to approval of proposed expenses and a proposed rate of assessment, as hereinafter set forth, which were recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Marketing Order No. 959 (7 CFR Part 959), both as amended, herein referred to collectively as the order. The order regulates the handling of onions grown in designated counties in south Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Consideration will be given to any written data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 10 days following publication of this notice in the FEDERAL REGISTER.

Amend § 959.104 as follows:

§ 959.104 Fiscal period.

The fiscal period which extends from February 1, 1963, through January 31, 1964 (28 F.R. 3852), shall end July 31, 1963. Beginning August 1, 1963, and thereafter, the fiscal period shall begin August 1 of each year and end July 31 of the following year, both dates inclusive.

* * * * *

§ 959.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period August 1, 1963, through July 31, 1964, by the South Texas Onion Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate, will amount to $45,000.00.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one-half cent ($0.005) per 50-pound sack of onions, or the equivalent quantity thereof, handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 31, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 64–80; Filed, Jan. 3, 1964; 8:48 a.m.]

[7 CFR Part 970]

CARROTS GROWN IN SOUTH TEXAS

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment for the fiscal period ending July 31, 1964, and the amended expenses for the fiscal period ending July 31, 1963, hereinafter set forth, which were recommended by the South Texas Carrot Committee, established pursuant to Marketing Agreement No. 142, and Order No. 970, both as amended (7 CFR Part 970; 28 F.R. 7467, 7584), regulating the handling of carrots grown in certain designated counties in South Texas. This is a regulatory program issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 970.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the South Texas Carrot Committee, established under Marketing Agreement No. 142, and Order No. 970, both as amended, to enable the committee to perform its functions under the provisions of the marketing agreement and marketing order during the fiscal period August 1, 1963, through July 31, 1964, will amount to $37,000.00.

(b) The rate of assessment to be paid by each handler under Marketing Agreement No. 142 and Order No. 970, both as amended, shall be one-half cent ($0.005) per 50-pound sack (or crate) of carrots, or the equivalent quantity thereof packed in other containers, handled by him as the first handler thereof during said fiscal period.

§ 970.203 Expenses amended.

(a) The reasonable expenses incurred by the South Texas Carrot Committee enabling such committee to perform its functions during the fiscal period ended July 31, 1963, amounted to $35,184.69. The budget for such fiscal period shall be, and is hereby, amended, pursuant to § 970.42(c) and recommendations of the committee, to approve expenses for $35,184.69. No change in the rate of assessment is necessary.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 31, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 64–79; Filed, Jan. 3, 1964; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Regulatory Docket No. 3031]

AIRWORTHINESS DIRECTIVES

Boeing Models 707/720 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Boeing Models 707 and 720 Series aircraft. There have been several instances of stabilizer trim difficulties attributable to the position transmitter installation. There have been other instances of the same difficulty with the stabilizer position transmitter and also with the spoiler position transmitter installation. To correct this unsafe condition, this AD requires rework of the crank arms or replacement with modified crank arms.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 4, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72

Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft, Serial Numbers 17586 through 17612, 17614 through 17652, 17658 through 17690, 17692 through 17724, 17903 through 17905, 17907 through 17930, 18012 through 18037, 18041 through 18050, 18054 through 18087, 18154 through 18167, 18240 through 18246, 18248 through 18251, 18334 through 18339, 18351 through 18357, 18372 through 18397, 18400 through 18404, 18406 through 18408, 18411 and 18412, 18414 through 18425, 18451 through 18457, 18460 and 18461.

Compliance required within 500 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent slippage of the crank arms on the shafts of the respective stabilizer and spoiler position transmitters, and to prevent rotation of the position transmitter in its bracket, rework the crank arms, or replace with modified crank arms, and add a washer under the nut of each clamping bolt in accordance with the Modification Data (PRR 15506) of Boeing Service Bulletin No. 1836, or FAA approved equivalent.

(Boeing Service Bulletin No. 1836 covers this same subject.)

Issued in Washington, D.C., on December 27, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-47; Filed, Jan. 3, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Regulatory Docket No. 3030]

AIRWORTHINESS DIRECTIVES

General Dynamics Models 22, 22M, 30 and 30A Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for General Dynamics Models 22, 22M, 30 and 30A aircraft. There have been several instances of slippage of the aileron trim tab dial assembly in relation to the cable drum within the aileron and rudder trim gearbox assembly and missing teeth from the aileron trim tab indicator dial gear. These difficulties result in false readings of the aileron trim tab indicator and cause unexpected aircraft roll tendencies on takeoff. To correct this unsafe condition, this AD requires inspection of the aileron trim gearbox assembly and rework or replacement.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 4, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

GENERAL DYNAMICS. Applies to all Models 22, 22M, 30 and 30A aircraft.

Compliance required as indicated.

To prevent slipping of the aileron trim tab dial assembly in relation to the cable drum within the aileron and rudder trim gearbox assembly; to insure that the gear teeth on the aileron trim tab dial gear are not damaged; and to ascertain that the inside rim of the aileron trim tab dial gear is not rubbing against the sides of the hub of the aileron and rudder trim gear box, accomplish the following:

(a) Within 500 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 500 hours' time in service from the last check, perform an operational check (see Maintenance Manual) to determine that the aileron trim tab dial indicator and the aileron trim tab deflections correspond throughout the operational range and that the aileron trim tab control knob and dial work properly without evidence of binding or slippage. If there is any evidence that the aileron trim tab dial indicator and the aileron trim tab deflections do not correspond throughout the operational range or if there is any evidence of binding or slippage in the operation of the aileron trim tab control knob and dial, rework the aircraft per (b)(1) and (b)(2) before further flight. After compliance with paragraph (b) the checks required by this paragraph may be discontinued.

(b) Within 1,500 hours' time in service after the effective date of this AD unless the modification has already been accomplished:

(1) Pin the aileron trim drum shaft to the shaft gear and the aileron trim tab dial to the aileron trim tab gear per General Dynamics/Convair 880 Service Bulletin No. 27-27, 880M Service Bulletin No. 27-34, or 990 Service Bulletin No. 27-52, as applicable, or an FAA Western Region Engineering and Manufacturing Branch approved equivalent.

(2) Conduct a visual inspection of the aileron trim tab dial gear and hub of the support within the aileron and rudder trim gearbox assembly and if there is any evidence that the gear teeth on the aileron trim tab dial gear are damaged or there is any evidence that the inside of the rim of the aileron trim tab dial gear is rubbing the hub of the support, rework the hub of the support and replace any damaged aileron trim tab dial gear with a new gear in accordance with General Dynamics/Convair 880 Service Bulletin No. 27-70, 880M Service Bulletin No. 27-37 or 900 Service Bulletin No. 27-62, as applicable, or an FAA Western Region Engineering and Manufacturing Branch approved equivalent.

(General Dynamics/Convair 880 Service Bulletins Nos. 27-27 and 27-70, 880M Service Bulletins Nos. 27-34 and 27-37, and 990 Service Bulletins Nos. 27-52 and 27-62 cover this same subject.)

Issued in Washington, D.C., on December 27, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-48; Filed, Jan. 3, 1964; 8:45 a.m.]

[14 CFR Part 507]

[Regulatory Docket No. 3029]

AIRWORTHINESS DIRECTIVES

Piper Model PA-22 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Piper Model PA-22 Series aircraft. A number of nose landing gear oleo upper main bearings have been found in a deteriorated condition, due to lack of lubrication and corrosive or abrasive materials entering the bearing. Some bearings have been found inverted with the ball loading groove on the under side. In one case dislodged bearing balls had jammed the oleo in its housing, rendering the rudder control system immovable. There have also been cases of water trapped in the oleo housing by a clogged drain hole, freezing inflight and binding the oleo to its housing. To correct these unsafe conditions, this AD requires inspection of the upper bearings and replacement where necessary.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 4, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

PIPER. Applies to Models PA-22, PA-22-108, PA-22-135, PA-22-150, and PA-22-160 aircraft, Serial Numbers 22-1 through 22-9848.

Compliance required within 25 hours' time in service after the effective date of this AD, unless already accomplished within the preceding 475 hours' time in service, and every 500 hours' time in service thereafter.

(a) Remove the oleo strut, clean the upper bearing, Piper P/N 452333, and inspect the bearing to determine that its loading groove

is on the top side. Remove bearings installed with the loading grooves on the under side.

(b) Inspect removed bearings, P/N 452333, to insure that 59 balls are installed, no binding or sticking exists, and that the bearing is not worn to the point where the balls are easily dislodged through the loading groove. If any of these defects are found, replace the bearing before further flight.

(c) Whenever a bearing is removed, clean and inspect the bearing mounting area to insure that it is free of burrs, protrusions, wear or other conditions which could cause bearing misalinement with the strut. Correct deficiencies prior to reinstallation of bearing.

(d) Repack bearings, P/N 452333, with MIL–G–3278 type lubricant.

(e) Reinstall bearings, P/N 452333, with the ball loading groove on the upper side.

(f) When both a new type sealed bearing Piper P/N 452419, and a boot Piper P/N 14087–00, or FAA approved equivalents are incorporated on the aircraft, compliance with (a), (b), (d), and (e) is no longer required.

(Piper Service Letter No. 405, dated October 1, 1963, and Piper Service Memo. No. 73 pertain to this same subject.)

Issued in Washington, D.C., on December 27, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–49; Filed, Jan. 3, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

E. I. DU PONT DE NEMOURS AND CO., INC.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 972) has been filed by E. I. du Pont de Nemours and Company, Inc., Wilmington 98, Delaware, proposing that § 121.2507 be amended to provide for the use of the following substances as optional components of food-packaging cellophane:

Acetyl tri(2-ethylhexyl) citrate or acetyl trioctyl citrate.
Acrylic acid copolymerized with one or more of the following: Methyl, ethyl, propyl, or butyl esters of acrylic acid and methacrylic acid.
Acrylonitrile polymer and acrylonitrile copolymerized with one or more of the following: Butadiene, styrene, vinyl chloride.
Alkyl ketene dimers.
Alkyl ketone waxes (C_{20}-C_{22}).
Aluminum, ammonium, calcium, lithium, magnesium, potassium, or sodium salts of fatty acids from vegetable or animal oils.
Aluminum, ammonium, magnesium, calcium, potassium, sodium, or zinc salts of the following rosins and modified rosins; Tall oil rosin, pale gum rosin, pale wood rosin, dark wod rosin, partially hydrogenated rosin, fully hydrogenated rosin, partially dimerized rosin, fully dimerized rosin, disproportionated rosin.
Behenamide.
Castor oil, sulfonated.
Di-methyl di-alkyl (C_8-C_{18}) ammonium chloride.
Dioctyl adipate or di(2-ethylhexyl) adipate.
Dioctyl phthalate or di(2-ethylhexyl) phthalate.
Ethylene-alkene-1 copolymers.
Ethylene copolymerized with itaconic acid or with not more than 8 percent by weight of acrylic acid and its alkyl esters or methacrylic acid and its alkyl esters.
Ethylene-vinyl acetate copolymer.
Isooctylphenyl polyethoxyethanol.
Lauryl sulfate salts:
  Ammonium.
  Magnesium.
  Postassium.
  Sodium.
Melamine formaldehyde and urea formaldehyde as separate basic polymers, and as a copolymer, that may be modified with one or more of the following: Methyl alcohol, ethyl alcohol, propyl alcohol, butyl alcohol, ammonium hydroxide, sodium hydroxide, guanidine, sodium sulfite, sulfanilic acid, sulfuric acid, formic acid, acetic acid, ethyleneimine, propyleneimine, diethylenetriamine, polyglycolamine, triethylenetetramine, tetraethylene-pentamine, triethey-amine, triethanolamine, diisopropanolamine, diaminopropane, di-aminobutane, imino-bis-butylamine, aminomethylsulfonic acid, polyamines made by reacting ethylenediamine or trimethylenediamine with dichlorethane or dichloropropane.
Methacrylic acid copolymerized with one or more of the following: Methyl, ethyl, propyl or butyl esters of acrylic acid or methacrylic acid.
N-substituted acyl sarcosines and their sodium salts.
Polyethylene glycol (average molecular weight of 300 or more).
Polyoxyethylene sorbitan monopalmitate.
Polyoxypropylene-polyoxyethylene condensate (copolymer in average molecular weight range of 1,900 to 9,000).
Polypropylene.
Polyvinyl alcohol (minimum viscosity of 4 percent aqueous solution at 20° C. of 4 centipoises).
Reaction product of tall oil fatty acids, pentaerythritol tetrastearate, phthalic anhydride.
Sodium or potassium salt of polymerized alkyl naphthalene sulfonic acids.
Sorbitan or sorbitol esters of lauric, oleic, palmitic, or stearic acids.
Spermaceti wax.
Styrene polymer.
Styrene copolymerized with butadiene.
Sulfonates of fatty acids (C_{12}-C_{18}) from vegetable or animal oils and their aluminum, ammonium, calcium, magnesium, potassium, and sodium salts.
Tricyclohexyl citrate.
Vinyl acetate polymer and vinyl acetate copolymerized with one or more of the following: Acrylonitrile, maleic acid, vinyl chloride, vinylidene chloride.
Vinylidene chloride copolymerized with one or more of the following: Acrylic acid and methacrylic acid and their methyl, ethyl, butyl, propyl, or octyl esters; acrylonitrile; itaconic acid; maleic acid; ethyleneimine; propyleneimine; vinyl chloride.

Dated: December 30, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 64-72; Filed, Jan. 3, 1964; 8:47 a.m.]

FOOD MACHINERY AND CHEMICAL CORP.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1009) has been filed by Food Machinery and Chemical Corporation, American Viscose Division, Marcus Hook, Pennsylvania, proposing that § 121.2507 be amended to provide for the following substances as optional components of food-packaging cellophane:

n-Alkyl (C_{12}-C_{18}) dimethylbenzylammonium chloride.
Aluminum hydrate.
Bentonite modified with dimethyloctadecylammonium ion.
Calcium ethyl acetoacetate.
Calcium resinate (limed rosin).
Castor oil, sulfonated, sodium salt.
Cellulose acetate butyrate.
Cellulose acetate propionate.
Coumarone-indene resin.
Disodium ethylenediaminetetraacetate.
Dodecylbenzenesulfonate, isopropyl amine salt.
Epoxidized polybutadiene.
Erucamide.
Ethylene-alkene-1 copolymer.
Ethylene oxide condensed on propylene glycol and ethylene glycol adduct.
Fumaric acid.
Formamide.
Glycerol diacetate.
Glycerol monoacetate.
Hydroxy ethyl cellulose.
Hydroxypropyl cellulose.
Isopropyl acetate.
Isopropyl alcohol.
Ketone resin.
Lanolin.
Maleic acid adduct of butadiene-styrene copolymer.
Maleic anhydride adduct of alpha-terpinene.
Methacrylic acid and its methyl and ethyl esters alone or in combination with the following:
  Acrylic acid.
  Ethyl acrylate.
  Methyl acrylate.
Mineral oil.
Mono-*n*-butyl maleate.
Naphthalene sulfonic acid-formaldehyde condensate, sodium salt.
Nylons 66, 610, and 66/610.
Octyl alcohol.
Olelyl palmitamide.
Paraffin, synthetic.
Polyamide resins.
Polycarbonate resins.
Polyethylene wax.
Polyisobutylene.
Poly(1-pentene).
Poly(1-octadecene).
Polypropylene.
Polyvinyl stearate.
n-Propyl acetate.
n-Propyl alcohol.
Spermaceti wax.
Styrene-acrylonitrile copolymer.
Styrene-maleic anhydride resin.
Terpene resins.
Triethylene glycol diacetate.
Triethylene tetramine acetate salts.
Trisodium *N*-hydroxyethyl ethylenediaminetetraacetate.

Dated: December 30, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 64-73; Filed, Jan. 3, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-19417 etc.]

PAN AMERICAN PETROLEUM CORP.

Order Consolidating Proceedings and Fixing Date for Prehearing Conference, Correction

DECEMBER 20, 1963.

In the Order Consolidating Proceedings and Fixing Date for Prehearing Conference, issued December 12, 1963, and published in the FEDERAL REGISTER December 20, 1963 (F.R. Doc. 63-13120; 28 F.R. 13908-13911), substitute attached revised appendix which corrects minor typographical errors and omissions.

JOSEPH H. GUTRIDE,
Secretary.

Docket Nos.	Applicant	Field and county	Purchaser	Rate schedule number and original contract date	Proposed initial rate cents/Mcf at 14.65 psia	Initial rate under temporary authority cents/Mcf at 14.65	Comments
G-19417	Pan American Petroleum Corp.	West Enville, Love	Cimarron Transmission Co.	277 7-20-59	[1] 15.5	[1] 15.5	Subject to refund to 15.0 cents.
CI61-153	Edwin L. Cox	do	do	31 10-17-58	[1] 15.5	[1] 15.5	Ratification 7-20-60.
CI61-393	Robert A. Hefner, Jr., et al.	do	do	1	[1] 15.5	15.0	Ratification 8-19-60.
CI61-516*	Pan American Petroleum Corp.	Woodward Area,[2] Dewey, Major and Woods.	Michigan Wisconsin Pipe Line Co.	10-17-58 330 8-25-60	[3] 19.5	[4] 15.0	*Motions to amend original certificate filed 8-30-62, 9-24-62, 2-7-63 and 5-13-63.
CI61-524*	Shell Oil Co. (Operator), et al.	Woodward Area,[2] Alfalfa, Dewey, Major, and Woods.	do	268 8-24-60	[3] 19.5	[4] 15.0	*Motion to amend original certificate filed 10-12-62.
CI61-531	Westheimer Newstadt Corp.	West Enville, Love	Cimarron Transmission Co.	2 10-17-58	[1] 15.5	15.0	Ratification 8-1-60.
CI61-554	Jerome M. Westheimer, et al.	do	do	1 10-17-58	[1] 15.5	15.0	Ratification 10-3-60.
CI61-584	Forest Oil Corp	do	do	24 10-17-58	[1] 15.5	15.0	Ratification 8-2-60.
CI61-752*	The Atlantic Refining Co.	West Valley Center,[2] Dewey	Michigan Wisconsin Pipe Line Co.	225 10-14-60	[3] 19.5	[4] 15.0	Motion to amend original certificate filed 9-10-62.
CI61-804	Roland S. Bond	East Durant, Bryan	Lone Star Gas Co	2 8- 5-60	16.8	15.0	
CI61-1024	Socony Mobil Oil Co., Inc. (Operator), et al.	North Custer City, Custer	Natural Gas Pipeline Co. of America.	266 10- 1-60	[5] 19.95	[5] 15.0	Subject to refund to rate determination in CI61-1024.
CI61-1087	Ray Ryan and Ray Ryan Oil Co.	East Durant, Bryan	Lone Star Gas Co	1 7-18-60	16.8	15.0	
CI61-1244	Socony Mobil Oil Co., Inc.	Seiling, Major	Panhandle Eastern Pipeline Co.	325 10-25-60	[6] 17.0	[7] 15.0	Ratification 1-13-61.
CI61-1275	Union Texas Petroleum, a Division of Allied Chemical Corp. et al.	North Custer City, Custer	Natural Gas Pipeline Co. of America.	60 10- 1-60	[5] 19.95	[5] 15.0	Subject to refund to 15.0¢. Ratification 1-13-61.
CI61-1281	Socony Mobil Oil Co., Inc.	Cedardale,[2] Dewey and Major.	Michigan Wisconsin Pipe Line Co.	322 1-18-61	[3] 19.5	[4] 15.0	
CI61-1308	Edwin L. Cox	West Enville, Love	Cimarron Transmission Co.	36 10-17-58	[1] 15.5	15.0	Ratification 2-6-61.
CI61-1620*	Union Oil Co. of California (Operator), et al.	Putnam, Dewey	Natural Gas Pipeline Co. of America.	58 4- 1-61	17.85	15.0	Motion to amend original certificate filed 8-30-62. Ratification 7-10-62.
CI61-1772	Pan American Petroleum Corp	Southeast Durant, Bryan	Lone Star Gas Co	310 5-16-61	16.8	15.0	
CI61-1796	Humble Oil & Refining Co.	Joiner City Plant, Carter	Natural Gas Pipeline Co. of America.	278 5-18-61	17.0	15.0	
CI62-27	Tam Oil, Inc	East Durant, Bryan	Lone Star Gas Co	1 6-20-60	16.8	15.0	
CI62-90	Sam K. Viersen	Woodward Area,[2] Major	Michigan Wisconsin Pipe Line Co.	1 6-23-61	[3] 19.5	[4] 15.0	
CI62-273	Mack Oil Co. (Operator), et al.	Joiner City Plant, Carter	Natural Gas Pipeline Co. of America.	2 6- 5-61	17.0	15.0	
CI62-471	Edwin L. Cox	East Durant, Bryan	Lone Star Gas Co	40 6-20-60	16.8	15.0	Ratification 10-9-61.
CI62-1100	Continental Oil Co	Doyle, Stephens	do	220 12-29-61	16.8	15.0	
CI62-1392	J. I. Goins, et al	West Enville, Love	Cimarron Transmission Co.	1 2-18-59	[1] 15.5	[1] 15.5	Subject to refund to 15.0 cents. Ratification 3-13-62 and 3-20-62.
CI62-1500	The Hefner Co	West Enville, Love	do	4 10-17-58	[1] 15.5	[1] 15.5	Subject to refund to 15.0 cents. Ratification 5-29-62.
CI62-1511	The Atlantic Refining Co.	Avard and Lenora, Dewey and Woods.	Panhandle Eastern Pipe Line Co.	264 5- 5-60	[6] 17.0	[7] 15.0	Ratification 5-2-62.
CI63-96	Global Oils, Inc. (Operator), et al.	Woodward Area, Major	Michigan Wisconsin Pipe Line Co.	5 5-24-62	[3] 19.5	[4] 15.0	
CI63-148	The Pure Oil Co	Northeast Cedardale,[2] Alfalfa, Major and Woods.	do	76 5-11-62	[3] 19.5	[4] 15.0	
CI63-265	Forest Oil Corp	Woodward Area, Major	do	27 7-12-62	[3] 19.5	[4] 15.0	
CI63-286	Pan American Petroleum Corp.	do	do	342 10-14-60	[3] 19.5	[4] 15.0	Assignment to applicant 2-1-62.
CI63-328	do	do	do	343 10-17-60	[3] 19.5	[4] 15.0	Assignment to applicant 10-31-60.
CI63-336	do	Woodward Area,[2] Major	do	344 10-14-60	[3] 19.5	[4] 15.0	Assignment to applicant 1-17-61.
CI63-337	do	do	do	345 8-24-60	[3] 19.5	[4] 15.0	Assignment to applicant 3-30-61.
CI63-356	Marathon Oil Co	East Durant, Bryan	Lone Star Gas Co	83 6-11-62	16.8	15.0	
CI63-381	Keener Oil Co	Woodward Area, Dewey	Michigan Wisconsin Pipe Line Co.	6 8-20-62	[3] 19.5	[4] 15.0	
CI63-392	Sam K. Viersen, Jr	do	do	1 6-23-61	[3] 19.5	[4] 15.0	
CI63-393	Calvert Exploration Co. (Operator), et al.	Lenora, Dewey	do	2 8-30-62	[3] 19.5	[4] 15.0	
CI63-417	Gulf Oil Corp. (Operator), et al.	Laverty, Caddo and Grady	Cities Service Gas Co		16.8		No rate schedule filed. Temporary authority not requested.
CI63-439	do	North Oakdale and Lenora, Dewey and Woods.	Michigan Wisconsin Pipe Line Co.	8-21-62 243 8- 8-62	[3] 19.5	[4] 15.0	
CI63-462	Phillips Petroleum Co	Woodward Area, Dewey, Major and Woods.	do	388 8- 7-62	[3] 19.5	[4] 15.0	
CI63-575	Humble Oil & Refining Co.	Woodward Area, Dewey and Major.	do	316 9-21-62	[3] 19.5	[4] 15.0	
CI63-583	Phillips Petroleum Co. (Operator), et al.	Woodward Area, Woods	Panhandle Eastern Pipe Line Co.	390 5- 5-60	[6] 17.0	[7] 15.0	Ratification 9-25-62.
CI63-615	Socony Mobil Oil Co., Inc.	Chitwood, Grady	Natural Gas Pipeline Co. of America.	323 9-14-62	16.8	15.0	
CI63-647	Cities Service Oil Co	Woodward Area, Major and Woods.	Michigan Wisconsin Pipe Line Co.	162 10-25-62	[3] 19.5	[4] 15.0	
CI63-690	C. L. McMahon, Jr., et al.	West Enville, Love	Cimarron Transmission Co.	1 10-17-58	[1] 15.5	[1] 15.5	Subject to refund to 15.0 cents. Ratification 6-21-62.
CI63-787	Apache Corp	Northwest Oakdale, Woods	Michigan Wisconsin Pipe Line Co.	26 11-16-62	[3] 19.5	[4] 15.0	
CI63-797	Petroleum Inc. (Operator), et al.	West Valley Center, Dewey	do	29 7-30-62	[3] 19.5	[4] 15.0	

Docket Nos.	Applicant	Field and county	Purchaser	Rate schedule number and original contract date	Proposed initial rate cents/Mcf at 14.65 psia	Initial rate under temporary authority cents/Mcf at 14.65	Comments
CI63-876	Tidewater Oil Co	Laverty, Caddo and Grady	Cities Service Gas Co	12-17-62	16.8		No rate schedule filed. Temporary authorization not requested.
CI63-936	J. A. Chapman	Woodward Area, Major	Michigan Wisconsin Pipe Line Co.	7 12-12-62	[3] 19.5	[4] 15.0	
CI63-985	Hall-Jones No. 4, et al	Putnam City, Dewey	Panhandle Eastern Pipe Line Co.	1 2-4-63	17.0	15.0	
CI63-1009	Tidewater Oil Co	North Carter, Beckham	Arkansas Louisiana Gas Co.	128 5-3-61	17.0		Acceptance of rate schedule pending. Temporary authority not requested. Ratification 8-9-61.
CI63-1025	Sinclair Oil & Gas Co	do	do	243 5-3-61	17.0	15.0	
CI63-1026	do	North Cooper, Blaine	do	244 8-25-61	16.8	15.0	
CI63-1042	Texoma Production Co	Woodward Area, Dewey	Michigan Wisconsin Pipe Line Co.	.12 12-28-62	[3] 19.5	[4] 15.0	
CI63-1086	Marathon Oil Co	do	do	84 10-9-62	[3] 19.5	[4] 15.0	
CI63-1125	Gulf Oil Corp	North Cooper and Southeast Lacy, Blaine and Kingfisher.	Arkansas Louisiana Gas Co.	254 12-30-60	16.8	15.0	
CI63-1129	do	North Carter, Beckham	do	255 5-3-61	17.0	15.0	Ratification 7-20-61.
CI63-1152	do	Northwest Anthon, Custer	do	256 7-9-62	17.0	15.0	Ratification 10-29-62.
CI63-1230	Crescent Oil & Gas Corp	North Cooper, Blaine	do	9 12-30-60	16.8	15.0	Ratification 3-4-61.
CI63-1241	Union Oil Co. of California	Northwest Chester, Major	Michigan Wisconsin Pipe Line Co.	77 1-24-63	[3] 19.5	[4] 15.0	
CI63-1276	Eason Oil Co	Southeast Crane, Custer	Arkansas Louisiana Gas Co.	13 10-5-62	16.8	15.0	
CI63-1394	Apache Corp	West Valley Center and Northeast Trail, Dewey.	Panhandle Eastern Pipe Line Co.	28 4-8-63	[6] 17.0	[7] 15.0	
CI63-1398	Forest Oil Corp., et al	West Valley Center, Woods	do	30 5-5-60	[6] 17.0	[7] 15.0	Ratification 1-17-63.
CI63-1427	Sun Oil Co	North Cooper, Blaine	Arkansas Louisiana Gas Co.	158 10-11-61	16.8	15.0	
CI63-1461	Cleary Petroleum, Inc. (Operator), et al.	Starr, Kingfisher	do	6 9-24-62	16.8	15.0	
CI63-1476	W. C. Pickens	West Valley Center, Dewey	Panhandle Eastern Pipe Line Co.	2 4-10-63	[6] 17.0	[7] 15.0	
CI63-1491	The Atlantic Refining Co	Northeast Trail, Dewey	do	274 4-18-63	[6] 17.0	[7] 15.0	
CI63-1519	Joe A. Humphrey	West Valley Center, Dewey	do	1 4-23-63	[6] 17.0	[7] 15.0	
CI63-1574	Edwin L. Cox	do	do	54 4-22-63	[6] 17.0	[7] 15.0	
CI63-1584	W. Ray Wallace	do	do	1 5-1-63	[6] 17.0	[7] 15.0	
CI63-1585	Marathon Oil Co	Avard, Woods	do	85 5-5-60	[6] 17.0	[7] 15.0	Ratification 7-27-62.
CI64-23	Pan American Petroleum Corp.	Starr, Kingfisher	Arkansas Louisiana Gas Co.	380 9-24-62	16.8	15.0	Ratification 5-13-63.
CI64-28	Robert P. Lammerts	North Cooper, Blaine	do	1 11-21-60	16.8	15.0	
CI64-65	Eason Oil Co	do	do	15 12-30-60	16.8	15.0	Ratification 8-23-61.
CI64-67	Pan American Petroleum Corp.	do	do	381 12-22-60	16.8	15.0	Ratification 5-13-63.
CI64-109	Global Oils, Inc	Northwest Oakdale, Woods	Michigan Wisconsin Pipe Line Co.	6 6-26-63	[3] 19.5	[4] 15.0	
CI64-121	Roland S. Bond	do	do	3 6-19-63	[3] 19.5	[4] 15.0	
CI64-159	Ashland Oil & Refining Co	Northeast Trail and West Valley Center, Dewey.	Panhandle Eastern Pipe Line Co.	153 5-6-63	[6] 17.0	[7] 15.0	
CI64-181	Carl E. Gungoll and Henry H. Gungoll.	Northeast Trail, Dewey	do	3 5-25-63	[6] 17.0	[7] 15.0	
CI64-208	Gulf Oil Corp	Northwest Avard, Woods	do	257 5-5-60	[6] 17.0	[7] 15.0	Ratification 3-6-63.
CI64-361	Petroleum Inc. (Operator), et al.	West Valley Center, Dewey	do	30 4-19-63	[4] 17.0	[7] 15.0	

[F.R. Doc. 64-2; Filed, Jan. 3, 1964; 8:45 a.m.]

[Docket No. RI64-432]

AZTEC OIL & GAS CO.

Order Accepting Rate Filing Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

DECEMBER 27, 1963.

On November 26, 1963, Aztec Oil & Gas Company (Aztec)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitute increased rates and charges, is contained in the following designated filing:

Description: Notice of Change, dated November 14, 1963.

Purchaser and producing area: Southern Union Gathering Company (Pictured Cliffs, Mesa Verde and Dakota Formations, various fields, San Juan County, New Mexico) (San Juan Basin Area).

Rate schedule designation: Supplement No. 16 to Aztec's FPC Gas Rate Schedule No. 7.

Effective date: January 1, 1964.[2]

Amount of annual increase: (1) $3,786, (2) $29,384, (3) $9,236.

Effective rate: (1) 11.0466 cents per Mcf.,[3] (2) 13.0551 cents per Mcf.,[4 6] (3) 13.0536 cents per Mcf.[5 6]

Proposed rate: (1) 12.0508 cents per Mcf.,[3 7] (2) 14.0593 cents per Mcf.,[4 7] (3) 14.0577 cents per Mcf.[5 7]

Pressure base: 15.025 psia.

Aztec's proposed notice of change reflects a 1.0 cent per Mcf periodic increase plus proportionate tax reimbursement under a rate schedule which provides

[1] Address is 920 Mercantile Securities Building, Dallas 1, Texas.

[2] Contractually provided effective date.

[3] Rate for gas produced from the Pictured Cliffs Formation.

[4] Rate for gas produced from the Mesa Verde Formation.

[5] Rate for gas produced from the Dakota Formation.

[6] Rate previously suspended and is in effect subject to refund in Docket No. RI64-33.

[7] Reflects 1.0 cent per Mcf periodic increase plus proportionate tax reimbursement.

for three different rates applicable to three different producing formations in San Juan County, New Mexico.

The proposed rate of 12.0508 cents per Mcf for gas produced from the "Pictured Cliffs Formation" is below the applicable ceiling for increased rates in San Juan Basin Area and should be accepted for filing to be effective as of January 1, 1964, the contractually provided effective date.

The proposed rate of 14.0593 cents per Mcf for gas produced from the "Mesa Verde Formation" and the 14.0577 cents per Mcf rate for gas produced from the "Dakota Formation" exceed the increased ceiling of 13.0 cents per Mcf for the San Juan Basin Area as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the 12.0508 cents per Mcf rate contained in Supplement No. 16 to Aztec's FPC Gas Rate Schedule No. 7 should be accepted for filing and permitted to become effective as of January 1, 1963, the contractually provided effective date.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that the 14.0593 cents and 14.0577 cents per Mcf rates contained in Supplement No. 16 to Aztec's FPC Gas Rate Schedule No. 7 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The 12.0508 cents per Mcf rate contained in Supplement No. 16 to Aztec's FPC Gas Rate Schedule No. 7 is hereby accepted for filing and permitted to become effective as of January 1, 1964.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed 14.0593 cents and 14.0577 cents per Mcf rates and charges contained in Supplement No. 16 to Aztec's FPC Gas Rate Schedule No. 7.

(C) Pending a hearing and decision thereon, the above-designated rate supplement is hereby suspended and the use thereof deferred until June 1, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 17, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–54; Filed, Jan. 3, 1964; 8:45 a.m.]

[Docket No. CP64–100]

CITY OF OLIVET, KANSAS

Notice of Application

DECEMBER 27, 1963.

Take notice that on October 31, 1963, the City of Olivet, Kansas (Applicant) filed in Docket No. CP64–100 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Cities Service Gas Company (Cities Service) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant its daily and yearly requirements in volumes of up to 107 Mcf per day at 14.73 psia and an annual volume of 9,370 Mcf after the third year of operations.

Applicant proposes to construct facilities including a lateral pipeline to connect with Cities Service and a distribution system in the city at an estimated cost of $20,652.

Applicant states that it has arranged to finance the proposed facilities by the sale of general obligation bonds and revenue bonds.

Protest, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 24, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–55; Filed, Jan. 3, 1964; 8:45 a.m.]

[Docket No. E–7089]

INDIANA & MICHIGAN ELECTRIC CO.

Order Re-scheduling Proceedings and Denying Motion for Extension of Time

DECEMBER 5, 1963.

At the hearing in this proceeding on October 18, 1963, the Presiding Examiner fixed the following schedule:

November 4, 1963: Staff to file and serve its direct case by mail.

December 2, 1963: Indiana & Michigan Electric Company (I & M) and intervenors to file and serve their direct cases and motions to strike any part of Staff's case.

December 9, 1963: Staff to file and serve its Answers to motions to strike and Staff's motions, if any, to strike testimony filed December 2, 1963.

December 13, 1963: Answers, if any, to motions to strike filed December 9, 1963.

December 18, 1963: Commencement of cross-examination.

Staff filed its direct case and exhibits on November 4, 1963.

On August 30, 1963, I & M filed a complaint in the District Court for the Northern District of Indiana, in Civil Action No. 1476 entitled "Indiana & Michigan Electric Company, plaintiff, vs Federal Power Commission, Joseph C. Swidler, Howard Morgan, Lawrence J. O'Connor, Jr., Charles R. Ross, and Harold C. Woodward, defendants", in which I & M sought to compel this Commission to take certain actions in the proceeding pending before the Commission. On November 29, 1963, the District Judge entered an order "that the defendants and their agents be, and they are hereby, enjoined and restrained from proceeding in [the] administrative proceeding."

The injunction was to remain in effect until December 4, 1963 at four o'clock p.m., c.s.t., or such earlier time as the United States Court of Appeals or a judge thereof should rule on I & M's application for a stay.

On November 29, 1963, the Public Service Commission of Indiana filed a motion in the instant proceeding before this Commission and requested that the filing of its direct case and motions to strike be extended for a period of at least 60 days from December 2, 1963. The Indiana Commission alleged that on November 19, 1963 it had instituted an investigation into the standards for and classifications of electric services rendered by I & M in Indiana, that at least 60 days would be required to conclude the investigation, and that it wished to submit the proceedings in that investigation to the Federal Power Commission.

On December 2, 1963, the Presiding Examiner, apparently unaware of the restraining order entered by the District Court, issued an order denying the motion of the Indiana Commission for an extension of time.

On December 3, 1963, I & M appealed to the United States Court of Appeals for the Seventh Circuit from the dismissal of its complaint by the District Court judge in Civil Action 1476. I & M also requested from the Court of Appeals a further stay of the Commission proceedings in this docket. The request for a stay was denied. Thereafter, late in the afternoon of December 3, 1963, counsel for I & M by telephone advised Staff counsel of the action of the Court of Appeals. I & M's counsel wanted to know what the Commission was going to do in view of the fact that the time for filing I & M's direct case and motions to strike had passed. He suggested that the Commission could act sua sponte to prescribe a new schedule. He authorized Staff counsel to inform the Commission that he was not going to request any action by the Commission, nor was he making a request for additional time, but that it was his intent and purpose to file I & M's direct case and motions to strike on Monday, December 9, 1963. He said he could not file earlier because he had to attend the hearing before the Indiana Commission on December 5, 1963.

In view of the foregoing circumstances, although our proceedings have been delayed through the actions of I & M, it will not be unreasonable to permit I & M and intervenors to file their direct testimony and motions to strike on Monday, December 9, 1963. This, of course, will necessitate re-setting the schedule of subsequent proceedings.

The Commission orders:

(A) The following schedule shall hereafter be in force and effect in this proceeding:

December 9, 1963: I & M and all intervenors shall file and serve their direct testimony and exhibits and their motions, if any, to strike Staff's direct testimony.

December 23, 1963: Staff shall file and serve its motions if any, to strike any of the direct testimony and exhibits which will have been filed by I & M and intervenors on December 9, 1963. Staff shall also file and serve its answers, if any, to the motions to strike, which may have been filed on December 9, 1963.

January 13, 1963: I & M and intervenors shall file and serve their answers, if any, to Staff's motions to strike filed on December 23, 1963.

January 14, 1963: Hearing to re-convene before the Presiding Examiner for rulings on motions to strike and for cross-examination.

(B) Except as set forth under paragraph (A) supra, the motion of the Public Service Commission of Indiana for an additional 60 days from December 2, 1963, to file and serve its direct case and motion to strike is denied.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-58; Filed, Jan. 3, 1964; 8:45 a.m.]

[Project No. 2105]

PACIFIC GAS AND ELECTRIC CO.

Order Postponing Prehearing Conference

DECEMBER 27, 1963.

Pursuant to the order of the Commission issued on October 24, 1963, a prehearing conference was held in Washington, D.C., in the above-entitled proceedings. After preliminary discussions, representatives of the Licensee, the Department of the Interior, the U.S. Forest Service, and the State of California requested additional time to conclude scheduled tests and to review evidence for the purpose of arriving at agreements on facts and issues for the purpose of shortening any hearing which might follow. They further requested that the prehearing conference be reconvened in San Francisco where the availability of records would facilitate further discussions.

Good cause having been shown, the Presiding Examiner granted the request of the parties and fixed January 7, 1964 as the date for reconvening the prehearing conference. In accordance with § 1.13(e) of the Commission's rules of practice and procedure the Presiding Examiner referred the matter to the Commission for approval of an extension of time for more than 30 days.

The Commission finds: It is in the public interest to grant the postponement requested by the parties.

The Commission orders: The action of the Presiding Examiner postponing to January 7, 1964 the prehearing conference in this proceeding is approved.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-59; Filed, Jan. 3, 1964; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115-3]

CONSUMERS PUBLIC POWER DISTRICT FOR HALLAM NUCLEAR POWER FACILITY

Notice of Proposed Issuance of Operating Authorization

Notice is hereby given pursuant to § 115 46(b), 10 CFR Part 115, that unless within thirty (30) days after publication of this notice in the FEDERAL REGISTER, a request for a hearing is filed with the U.S. Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected, as provided by and in accordance with the Commission's rules of practice, 10 CFR Part 2, the Commission proposes to issue an operating authorization (substantially as set forth in the attachment hereto) to the Consumers Public Power District which authorizes Consumers Public Power District to use and operate the Hallam Nuclear Power Facility at powers up to 256 megawatts thermal. This authorization was requested by Consumers Public Power District in its application dated April 24, 1963, and amendments thereto.

The Hallam Nuclear Power Facility is located near Hallam, Nebraska, at the Sheldon Station of the Consumers Public Power District. The sodium graphite reactor was constructed by North American Aviation, Inc., for the Atomic Energy Commission and has been operated by North American Aviation, Inc. since August 9, 1962, under a provisional operating authorization, which will be superseded by the proposed operating authorization.

The Commission has found that the application, as amended, complies with the requirements of the Commission's regulations in Title 10, Chapter I, Code of Federal Regulations.

For further details with respect to this proposed issuance, see (1) the application filed by the Consumers Public Power District dated April 24, 1963, and amendments thereto dated July 24, 1963, September 20, 1963, September 30, 1963, and November 8, 1963, (2) the report of the Advisory Committee on Reactor Safeguards (ACRS) dated October 14, 1963, (3) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, and (4) the Technical Specifications designated as Appendix "A" to the authorization, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis of the Division of Licensing and Regulation and a copy of the report of the ACRS dated October 14, 1963, may be obtained at the Public Document Room, or upon request to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Maryland, this 31st day of December 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[Docket No. 115-3]

PROPOSED OPERATING AUTHORIZATION

1. This operating authorization applies to the sodium graphite reactor owned by the United States Atomic Energy Commission (hereinafter referred to as the "Commission") and to be operated by Consumers Public Power District (hereinafter referred to as "CPPD") under contract with the Commission. The reactor is located approximately one and one-half miles North of the Village of Hallam, Nebraska, at The Sheldon Station of the Consumers Public Power District and is described in the "Final Summary Safeguards Report for The Hallam Nuclear Power Facility", NAA-SR-5700, dated April 15, 1961, as supplemented (hereinafter referred to as the "final safeguards report").

2. Pursuant to regulations contained in Title 10 CFR, Chapter I, Part 115 and having considered the record in this matter, the Commission finds that:

A. The application for this operating authorization meets the standards and requirements of the Act and the Commission's regulations.

B. There is reasonable assurance (i) that the activities authorized by this operating authorization can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

C. CPPD is technically qualified to engage in the activities authorized by this operating authorization in accordance with the rules and regulations of the Commission;

D. The issuance of this operating authorization is not inimical to the health and safety of the public.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby authorizes CPPD, pursuant to Title 10 CFR, Chapter I, Part 115, "Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements," to use and operate the Hallam Nuclear Power Facility as described in the final safeguards report and CPPD's application, as amended.

4. This authorization shall be deemed to contain and be subject to the conditions specified in §§ 115.42 and 115.47 of Part 115 and is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereinafter in effect; and is subject to the additional conditions specified below:

A. CPPD shall not operate the reactor at power levels in excess of 256 megawatts thermal.

B. Technical specifications: The technical specifications contained in Appendix "A" hereto are hereby incorporated into this authorization. Except as hereinafter provided, CPPD shall operate the facility in accordance

with the technical specifications. No changes shall be made in the technical specifications unless authorized by the Commission as provided in § 115.47 of Part 115.

C. Records: In addition to those otherwise required under this authorization and applicable rules and regulations of the Commission, CPPD shall keep the following records:

(1) Reactor operating records, including power levels and periods of operations at each power level.

(2) Records showing the radioactivity released or discharged into the air or water beyond the effective control of CPPD as measured at or prior to the point of such release or discharge.

(3) Records of radioactivity levels at both on-site monitoring stations and off-site sampling stations.

(4) Records of emergency shutdowns and inadvertent scrams, including reasons therefor.

(5) Records of principal maintenance operations involving substitution or replacement of facility equipment or components and the reasons therefor.

(6) Records of facility tests and measurements performed pursuant to the requirements of the technical specifications.

D. Reports: In addition to reports otherwise required under this license and applicable rules and regulations of the Commission:

(1) CPPD shall make an immediate report in writing to the Division of Licensing and Regulation of any indication or occurrence of a possible unsafe condition relating to the operation of the facility, including, without implied limitation:

(a) Any substantial variance disclosed by operation of the facility from the performance specifications set forth in the technical specifications.

(b) Any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

(2) CPPD shall make a quarterly report in writing to the Division of Licensing and Regulation of changes made in the facility design and operating procedures, pursuant to § 115.47.

(3) CPPD shall make a report in writing to the Division of Licensing and Regulation within 60 days after the completion of one month of operation of the reactor (calculated from the date of issuance of this authorization), and at the end of each one month period thereafter, which summarizes the following:

(a) Total number of hours of operation and total energy generated by the reactor.

(b) Number of shutdowns of the reactor with a brief explanation of the cause of each shutdown.

(c) Operating experience including a summary of the number of malfunctions in the control and safety systems with brief explanation of each, and a description of all emergency evacuations of the containment building.

(d) Measurements and tests performed on the nuclear systems and results thereof.

(e) Principal maintenance performed and replacements made in the reactor and associated systems including a report on various tests performed on components of the reactor and associated systems.

(f) A description of the tests performed to demonstate that the leak rates meet the technical specifications, the results of such tests, and a description of any necessary corrective measures taken to meet the requirements of the technical specifications.

(g) Significant changes made in operating procedures and in plant organization.

(h) Radiation levels recorded at both on-site monitoring stations and off-site sampling stations.

5. This authorization shall be effective as of the date of issuance and, unless extended for good cause shown, shall expire ten (10) years from the said date; provided, however, that this authorization shall expire in any event upon termination of the contract between CPPD and the Commission for operation of the reactor.

6. Effective with its issuance, this authorization terminates and supersedes Provisional Operating Authorization DPRA–1, as amended, heretofore issued to North American Aviation, Inc.

Date of issuance:

For the Atomic Energy Commission.

Director, Division of Licensing and Regulation.

Attachments: Appendix "A".

[F.R. Doc. 64–83; Filed, Jan. 3, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14949; Order E–20322]

ALLIED AIR FREIGHT, INC.

Order of Investigation and Suspension Relating to Claim Procedure

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 31st day of December 1963.

By tariff revisions[1] marked to become effective January 4, 1964, Allied Air Freight, Inc. (Allied) proposes to change its claim procedure rules by shortening the time limitations for filing loss and damage claims with the forwarder. Allied's present and proposed time limitations and the time limitations of the direct air carriers are set forth below:

Action claimant must take with respect to loss and damage claims for property shipments	Days within which claimant must take such action		
	Allied		Direct carriers
	Proposed	Effective	
1. Notice of intent to file claim (except for concealed loss or damage).			
a. on delivered shipments	7	20	(1)
b. on lost shipments	14	60	(1)
2. Report of concealed loss or damage	7	10	15
3. Filing of formal written claim	90	240	270

[1] No requirement.

In an amendment to its tariff transmittal, Allied states in support of the proposed changes that the forwarder's position in handling of claims differs from that of the direct carriers since the forwarder must have sufficient time to submit a claim to the direct carrier after receipt of the claim from the claimant. Allied also states that the proposed time limitations are adequate to permit the claimant to notify the forwarder and to file his claim.

The Board has determined, on its own initiative, to investigate the proposed rule changes. Allied's presently effective time limitations are already shorter than those of the direct carriers and of other freight forwarders generally, and it appears that Allied now has adequate time to comply with the direct carriers' rules on claim procedures. Indeed, Allied has not presented any instances in which it has been unable to comply with a direct carrier's time limitations. Because of the stringent time limitations now proposed by Allied which might serve merely to defeat otherwise valid claims, the Board will suspend the proposal pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That

1. An investigation be instituted to determine whether the provisions in paragraphs 1., 2., and 3. of Rule No. 5.1 on 3d Revised Page 20 of Allied Air Freight, Inc. C.A.B. No. 1 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful provisions;

2. Pending hearing and decision by the Board, paragraphs 1., 2., and 3. of Rule No. 5.1 on 3d Revised Page 20 of Allied Air Freight, Inc. C.A.B. No. 1, are suspended and their use deferred to and including April 2, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be set for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the aforesaid tariff and be served upon Allied Air Freight, Inc., which is made a party to the investigation ordered herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–77; Filed, Jan. 3, 1964; 8:48 a.m.]

[1] To Allied Air Freight, Inc. C.A.B. No. 1.

[Docket No. 14951; Order E–20324]

DOMESTIC TRUNKLINE CARRIERS; FIRST-CLASS AND FAMILY-PLAN FARES

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of December 1963.

By tariff revisions, bearing a posting date of November 21, 1963, and marked to become effective January 15, 1964, American Airlines, Inc., proposes (1) to reduce jet first-class fares, for distances over 700 miles, by progressively greater percentages as trip length increases—reductions would range from 4.5 percent (N.Y.-Chicago) to 14 percent (N.Y.-Los Angeles)—and to reduce propeller first-class fares to the same level as jet fares, and (2) to provide 25-percent family-fare discounts for first-class, business, and coach travel, from Monday noon

through 6:00 a.m. Friday. The filings do not bear an expiration date.

All the domestic trunkline carriers except Northeast Airlines, Inc., and Western Air Lines, Inc., have also filed competitive first-class fares for those markets in which they compete with American.[1] Family-fare plans similar to American's as to discount and days of the week, and applicable to first-class, one-class, business, and coach have been proposed by Continental Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.[2] However, Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., and Northeast Airlines, Inc., would retain the 50-percent discount for first-class service. National Airlines, Inc., on the other hand, proposes a 25-percent discount for coach service,[3] but would retain the 50-percent discount for first-class service. American, furthermore, has added exceptions for some points to which it will continue to apply the 50-percent first-class family fare.

Seven carriers (Continental, Delta, Eastern, National, Northwest, TWA, and United) have filed complaints with the Board requesting investigation and suspension of American's proposed changes in first-class fares, and in the family plan, as well as of all the competitive tariff filings of the other trunkline carriers. American has filed an answer to the complaints. In addition to its answer, American has filed a complaint against the carriers that propose to apply a 50-percent family-fare discount to their reduced first-class fares. Braniff, Delta, Eastern, and National have filed answers to this complaint. Delta has filed a complaint against American's proposal to reinstate the 50-percent family-plan discount applicable in certain selected markets. Braniff has submitted a letter urging the Board to permit American's proposed first-class fares to go into effect until a fixed expiry date, but not supporting American's family-fare plan.

The complaints allege, inter alia, that no factual data have been submitted by American in justification for its filing; that American's proposal is directed primarily at United's one-class service, and if allowed to become effective, a counter move by United can be expected, causing a probable downward revision of one-class and coach service; that the first-class fare reductions are not related to cost and value of service, and are not justified by cost savings; that a decrease of first-class fares will spread to local service carriers and increase their subsidy requirements; and that a sizeable loss in revenue would occur, since the proposed reductions in first-class fares are in no sense promotional in nature and no sufficient number of new passengers will be generated to offset the first-class revenue dilution. The complaints further state that if American's family-plan proposal is allowed to become effective it would abort the pending family fare investigation in Docket 14813; that it would be economically unsound, unjust, and unreasonable; that it would decrease traffic, reduce revenues, and have considerable adverse effect upon the financial condition of the industry; that it would be unjustly discriminatory and unduly preferential and prejudicial; and that it would invite other competitive proposals in the rate war between American and United.

In support of its proposals (which American states are submitted to the Board as a "package" of interrelated fares to be accepted or suspended in their entirety) and in answer to the complaints, American alleges that the difference between its first-class fares and the one-class fares of United is excessive; that the price differential between one-class and coach has been added to one-class fares to arrive at its proposed first-class fare level; and that by adding first-class seats in place of the lounge seats, its potential income from first-class capacity will not be reduced. With regard to its proposed family fares, the carrier states that they will level the flow of traffic throughout the week; that better utilization of facilities and cost savings will be achieved; that the new coach family fare will reach a wider market and promote traffic; and that any loss in passenger revenues caused by the reduction of first-class fares will be offset by the increase in revenues from new family travel.

Statutory rate-making criteria and Board policy require that fares for each major class of service be established upon a sound economic basis. The application of this principle, which is basic to the sound development of the industry, is particularly important in this case in view of the magnitude of the tariff changes, their wide application as proposed by American, and the competitive impact they will have upon the domestic trunkline industry. The proposed reduction in first-class fares will further narrow the spread between first-class and coach fares below that indicated by the cost relationship of such services. The potential of such reductions for generating new traffic will be limited since they are applicable to a higher priced service, and offer no new inducement to that segment of the market whose primary consideration is price. Of greater import will be the effect of such proposals in shifting traffic from one class of service to another.

Upon consideration of the tariff proposals, the allegations in the complaints and answers and of other matters noticed herein, the Board finds that the issues raised by the requests for suspensions of the first-class fare reductions warrant investigation but not suspension. The Board does not find that the reduced first-class tariffs filed by American and other competitive carriers are unlawful and finds significant to the economics of American's proposal that there is tied to the reduction in these fares (1) a reduction in the family-fare discount and a limitation of its use from Monday noon through 6:00 a.m. Friday, which will be offsetting factors to the reduced first-class yield, and (2) American's proposal to convert its first-class lounge to revenue usage, which will reduce its first-class seat-mile costs and break-even load factor, and thereby increase the revenue potential of the first-class compartment. The Board has decided, therefore, to permit to become effective those first-class fare reductions of American and of the competing carriers that are accompanied by concurrent revisions in the family-fare plan tariffs which will limit the amount of discount to be applied to such fares to 25 percent for accompanying members of the family, and which will limit the applicability of the family plan to a period similar in duration to that period encompassed in American's filing.

The reductions in first-class fares proposed by those carriers who did not make concurrent revisions to the family-fare plan would be subject to a 50-percent discount for the carriage of an accompanying family member. This would result in these fares being so far below coach level as to appear uneconomic, unreasonable, and unjustly discriminatory. The first-class fare reductions proposed by Braniff, Delta, Eastern, and National will, therefore, be suspended.[4] These carriers will, of course, be permitted to file lower first-class fares to be competitive with American's: *Provided*, That such fares are upon the same basis as are American's, that is, subject to a family-plan discount of not greater than 25 percent for the accompanying family members and are similarly restricted as to the period of application.

The Board notes that the trunkline carriers have established various tariff provisions with respect to the number, sale, and use of lounge seats, and that carrier practices in this regard are not clear.[5] Although this order does not suspend the proposed fare reductions of those carriers whose tariffs do not provide for the sale of lounge seats, or have announced plans to eliminate lounge seats and install standard first-class seats, the Board expects that those carriers desiring to effect reductions in first-class fares to promptly make such tariff revisions as are necessary to specify clearly that the carrier will pro-

[1] In addition to filing competitive first-class fare proposals TWA filed tariffs marked to become effective January 31, 1964, which would establish three distinct classes of service on nonstop transcontinental flights. Subsequently, by telegram dated December 18, 1963, the carrier advised the Board that if American's proposal is permitted to become effective TWA would be compelled to revert to its competitive tariff which it states is mutually exclusive in relation to its tariff marked to become effective January 31, 1964.

[2] On a systemwide basis, with some exceptions for Northwest.

[3] Applicable in selected competitive markets only.

[4] We will also suspend Northwest's first class fare reductions in markets where a 50-percent family-fare discount is proposed, as well as American's 50-percent first-class family fare discount proposed as an exception in certain selected markets.

[5] The Board does not accept American's contention that a tariff provision specifying the number of lounge seats available for sale is consistent with its stated practice of not selling lounge seats on segments of 500 miles or over, with passengers assigned to such seats only when there is an inadvertent oversale.

vide for sale the lounge seats on any flight. In addition, the Board expects that as soon as practicable all lounge seats will be replaced by standard seats, thereby minimizing costs and break-even load factors. Further, in order that the Board may evaluate the impact of the new reduced fares, our acceptance of such tariffs will be limited. Consequently, all carriers are requested to amend their tariffs to show an expiry date of January 31, 1965.

Turning to the proposed modifications of the family-plan discount, the Board, in Docket 14813,[6] placed under investigation the first-class family fares then offered by the domestic trunkline carriers. In instituting that investigation, the Board noted that it had entertained serious doubts that the first-class family plan is any longer a useful and economic discount for the domestic trunk operations. The Board observed that where coach service is offered the traffic generation potential of such fares is limited, and indicated concern with respect to the anomalous circumstances in which a first-class family-fare discount produces in many instances lower fares than normal ones in business-class, one-class, and coach services. Although the 50-percent discount presently in effect has apparently increased traffic in the first-class section, it is doubtful that the increase in revenue has been nearly as favorable. The modification of the family-fare discount from 50 to 25 percent and the limitation of the period of use of these fares should improve the economics of the present family-fare discount in first-class service. In addition, it will eliminate the anomaly of first-class family travel being priced lower than coach family travel and to a degree lessen the element of discrimination inherent in a promotional fare.

In view of the foregoing, the Board finds no basis for suspending the tariff proposals to decrease the discount in the family plan for first-class service. While the probable economic impact of the extension of the family plan to the other classes of services (except economy) is less clear, we are not persuaded that a carrier should be prohibited from effecting such tariffs on an experimental basis with limitations as to the period of availability of such fares. The opportunities for leveling traffic over the days of the week, and thereby improving utilization of aircraft, equipment, and manpower, are as favorable for other classes of service as with respect to the first-class family plan. Further, the offering of such a plan in business, one-class, and coach services should attract additional families of businessmen and tourists because such family fares, particularly in coach service, will be at a lower level for families than current coach service without a family plan. The Board will therefore permit the 25-percent discount provisions to become effective as proposed for first-class, business-class, one-class, and coach services. In view of the issues and the lawfulness of the proposed family-fare modifications as noted in the complaints, an investigation will be ordered with respect to such proposals and consolidated into Docket 14813.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That

1. An investigation is instituted to determine whether the fares, charges, and provisions described in the attached Appendixes A, B, and C[7] including subsequent revisions and reissues of such fares and provisions are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares, charges, and provisions;

2. Pending hearing and decision by the Board the fares, charges, and provisions described in Appendix B are suspended and their use deferred to and including April 13, 1964, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation ordered herein with respect to the fares, charges, and provisions described in Appendix C is consolidated into Docket 14813;

4. Except to the extent granted herein the requests contained in the complaints in Dockets 14893, 14895, 14896, 14897, 14898, 14899, 14900, 14919, and 14920 are denied and the complaints therein are dismissed;

5. The investigation in Docket 14951, ordered herein, be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

6. A copy of this order be filed with the aforesaid tariffs and be served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to the proceeding in Docket 14951; and provided further that service of this order be made upon all of the parties to the proceeding in Docket 14813.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[8]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F. R. Doc. 64-78; Filed, Jan. 3, 1964; 8:48 a.m.]

[6] Order F-20099, dated October 16, 1963.

[7] Filed as part of the original document.

[8] Joint concurrence and dissent of Murphy, Vice Chairman, and Minetti, Member, filed as part of original document.

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by First Wisconsin Bankshares Corporation, which is a bank holding company located in Milwaukee, Wisconsin, for the prior approval of the Board of the acquisition by Applicant of 80 per cent or more of the voting shares of Brookfield National Bank, Brookfield, Wisconsin, a proposed new bank.

In determining whether to approve an application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 30th day of December 1963.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 64-60; Filed, Jan. 3, 1964; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 451]

MAINE

Declaration of Disaster Area

Whereas, it has been reported that during the month of November 1963, because of the effects of certain disasters, damage resulted to residences and business property located in Hancock, Waldo, Knox, Washington, Lincoln, Sagadahoc, Cumberland and York Counties in the State of Maine;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices

below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from wind, tide, waves and accompanying conditions occuring on or about November 30, 1963.

Offices: Small Business Administration Regional Office, 470 Atlantic Avenue, Boston, Massachusetts; Small Business Administration Branch Office, 114 Western Avenue, Augusta, Maine.

2. A temporary office will be established in Boothbay Harbor, Maine, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1964.

Dated: December 13, 1963.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-62; Filed, Jan. 3, 1964; 8:46 a.m.]

TARIFF COMMISSION

SAFETY PINS

Report to the President

DECEMER 31, 1963.

The U.S. Tariff Commission today submitted to the President a report, under section 351(d)(1) of the Trade Expansion Act of 1962, on developments in the trade in safety pins. Following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951, the President, by proclamation dated November 29, 1957, increased the rate of duty applicable to safety pins, effective after the close of business December 30, 1957. Section 351(d)(1) of the Trade Expansion Act of 1962 provides that—

> So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

The report to the President presents statistical data with respect to safety pins and concludes that there have been no significant changes in the trade since the Commission made its last review, the results of which were reported to the President on December 31, 1962. The entire report to the President may not be made public since it contains certain information that would reveal the operations of individual firms. The Commission, therefore, is releasing the report with some portions omitted.

Copies of the Commission's public report (the release of which was authorized by the President) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., 20436.

DONN N. BENT,
Secretary.

[F.R. Doc. 64-71; Filed, Jan. 3, 1964; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order No. 32-63]

WAGE APPEALS BOARD
Establishment and Functions

1. *Authority.* This order is issued pursuant to R.S. 161 (5 U.S.C. 22), Reorganization Plan No. 6 of 1950 (5 U.S.C. 611 note) and Reorganization Plan No. 14 of 1950 (5 U.S.C. 133z-15 note).

2. *Purpose.* The purpose of this Order is to establish a Wage Appeals Board and to authorize the Board to carry out certain functions of the Secretary of Labor under Reorganization Plan No. 14 of 1950 (5 U.S.C. 133z-15 note), any statutes subject to that Plan, which include Davis-Bacon Act (40 U.S.C. 276a-7), and as extended to the Federal-Aid Highway Act of 1956 (23 U.S.C. 113); Copeland Act (40 U.S.C. 276c); Contract Work Hours Standards Act (40 U.S.C. 327-330); National Housing Act (12 U.S.C. 1713, 1715a, 1715c, 1715k, 1715l(d)(3) and (4), 1715v, 1715w, 1715x, 1743, 1747, 1748b, 1748h-2, 1750g); Hospital Survey and Construction Act (42 U.S.C. 291h); Federal Airport Act (49 U.S.C. 1114); United States Housing Act of 1937 (42 U.S.C. 1416); Housing Act of 1949 (42 U.S.C. 1459); School Survey and Construction Act of 1950 (20 U.S.C. 636); Defense Housing and Community Facilities and Services Act of 1959 (42 U.S.C. 1592i); Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281); Area Redevelopment Act (42 U.S.C. 2518); Delaware River Basin Compact (sec. 15.1, 75 Stat. 714) and also under the Federal Water Pollution Control Act (33 U.S.C. 4663); the College Housing Act of 1950 (12 U.S.C. 1749a), and the Housing Act of 1959 (12 U.S.C. 1701q), and to carry out those functions under the rules promulgated pursuant to the Plan and other authority published in 29 CFR Parts 1 and 5. The establishment of the Board and the delegations of authority thereto also necessitate some changes in the delegations of authority to the Solicitor of Labor under the statutes involved. These changes are made in Paragraph 12 of this Order.

3. *Rescission of previous Order.* General Order No. 41 of the Secretary of Labor (18 F.R. 2609) is hereby rescinded.

4. *Establishment of Wage Appeals Board.* There is hereby established a Wage Appeals Board which shall be directly responsible to the Secretary of Labor for the proper performance of the delegated authority conferred in Paragraph 8 of this Order. The Board shall operate under the rules of the Secretary of Labor interpreting or applying the statutes listed in Paragraph 2 of this Order.

5. *Composition.* The Board shall consist of three public members, one of whom shall be designated Chairman. The members of the Board shall be appointed by the Secretary of Labor, and shall be selected upon the basis of their qualifications and competence in matters within the authority of the Board.

6. *Voting.* The Chairman of the Board may, in his discretion, designate himself or any other member of the Board to decide any appeal provided the interested persons or parties have consented to the disposition of the appeal in this manner. The chairman may also direct that any appeal may be decided by a panel of any two members of the Board, but if they are unable to agree upon a decision, the case will be decided by the full Board. When an appeal is decided by all three members of the Board, a majority vote shall be necessary for decision. Any decision in any other matter shall also be by a majority vote.

7. *Location of Board proceedings.* The Board shall hold its proceedings in Washington, D.C., unless for good cause the Board orders that proceedings in a particular matter be held in another location.

8. *Authority of the Board.* The Board shall act as the authorized representative of the Secretary of Labor in deciding appeals, concerning questions of fact and law, taken in the discretion of the Board, from wage determinations issued under the Davis-Bacon Act and its related minimum wage statutes and under 29 CFR Part 1; appeals taken, in the discretion of the Board, in debarment cases arising under 29 CFR Part 5; disputes coming before the Board, in its discretion, concerning the payment of prevailing wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations; and, in its discretion, in reviewing the recommendations of a Federal agency for appropriate adjustment of liquidated damages which are assessed under the Contract Work Hours Standards Act. On any question of law, the Board shall act on the advice of the Solicitor.

9. *Rules of practice and procedure.* The Board may recommend to the Secretary such rules as it deems necessary or appropriate for the conduct of its proceedings. The Secretary shall issue rules implementing the recommendations of the Board.

10. *Department Counsel.* The Solicitor or his designee shall represent the Department in each proceeding before the Board.

11. *Authority of Solicitor.* Except: (1) as provided in Paragraph 8 of this Order and (2) in the promulgation of general rules pursuant to Reorganization Plan No. 14 of 1950, the Solicitor of Labor shall act as the authorized representative of the Secretary of Labor in carrying out the duties and responsibilities of the Secretary of Labor under the Davis-Bacon Act (40 U.S.C. 276a-7), Federal-Aid Highway Act of 1956 (23 U.S.C. 113), Copeland Act (40 U.S.C. 276c), Contract Work Hours Standards Act (40 U.S.C. 327-330), National Housing Act (12 U.S.C. 1713, 1715a, 1715c, 1715k, 1715(d) (3) and (4), 1715v, 1715w, 1715x, 1743, 1747, 1748b, 1748h-2, 1750g),

Hospital Survey and Construction Act (42 U.S.C. 291h), Federal Airport Act (49 U.S.C. 114), United States Housing Act of 1937 (42 U.S.C. 1416), Housing Act of 1949 (42 U.S.C. 1459), School Survey and Construction Act of 1950 (20 U.S.C. 636), Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1592i), Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281), Area Redevelopment Act (42 U.S.C. 2518), the Housing Act of 1959 (12 U.S.C. 1701q), Delaware River Basin Compact (sec. 15.1, 75 Stat. 714), Federal Water Pollution Control Act (33 U.S.C. 466e), College Housing Act of 1950 (12 U.S.C. 1749a), the Tennessee Valley Authority Act (16 U.S.C. 831b), Reorganization Plan No. 14 of 1950, and the rules published in 29 CFR Parts 1, 3, and 5. The Solicitor may subdelegate his duties and responsibilities under this paragraph.

Signed at Washington, D.C., this 30th day of December 1963.

W. WILLARD WERTZ,
Secretary of Labor.

[F.R. Doc. 64-64; Filed, Jan. 3, 1964; 8:46 a.m.]

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act.

The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

The Arrow Co., division of Cluett, Peabody & Co., Inc., Buchanan, Ga.; effective 12-13-63 to 12-12-64 (men's shirts).

B. Bennett Co., Inc., 123 Magazine Street, New Orleans, La.; effective 12-27-63 to 12-26-64 (men's work pants and shirts, semi-dress pants, sport shirts).

H. & L. Block, Inc., Decherd, Tenn.; effective 12-16-63 to 12-15-64 (men's single slacks).

Blue Bell, Inc., Prentiss County, Booneville, Miss.; effective 12-17-63 to 12-16-64 (ladies' and girls' blouses, men's and boys' shirts).

Blue Bell, Inc., Woodstock, Va.; effective 12-13-63 to 12-12-64 (ladies', girls', and boys' dungarees).

Decatur Shirt Corp., Decatur, Miss.; effective 12-21-63 to 12-20-64 (boys' sport shirts).

Edric Manufacturing Corp., 101 Bel-Air Drive, Columbia, Tenn.; effective 12-18-63 to 12-17-64 (men's sport shirts).

H & H Manufacturing Co., Statham, Ga.; effective 12-11-63 to 12-10-64 (men's dress slacks).

Hartsville Garment Corp., 226 Broadway, Hartsville, Tenn.; effective 12-14-63 to 12-13-64 (men's sport shirts).

Edward Hyman Co., Lake Street, Hazlehurst, Miss.; effective 12-20-63 to 12-19-64 (men's work shirts, work pants, and coveralls).

Livingston Shirt Corp., 308 South Church Street, Livingston, Tenn.; effective 12-16-63 to 12-15-64 (men's dress shirts, sport shirts, and pajamas).

Primo Pants Co., Versailles, Mo.; effective 12-10-63 to 12-9-64 (men's pants).

Quad Manufacturing Co., 1040 Vernon Street, Huntington, W. Va.; effective 12-13-63 to 12-12-64 (men's trousers).

Renovo Shirt Co., Inc., Mena, Ark.; effective 1-1-64 to 12-31-64 (men's shirts, ladies' and girls' blouses).

Richfield Manufacturing Co., Monroe Township, Juniata County, Richfield, Pa.; effective 12-28-63 to 12-27-64 (men's and boys' sport and dress shirts).

Salemburg Manufacturing Co., Salemburg, N.C.; effective 12-9-63 to 12-8-64 (women's cotton dresses).

Henry I. Siegel Co., Inc., Trezevant, Tenn.; effective 12-26-63 to 12-25-64 (men's and boys' single pants).

Stahl-Urban Co., North Second Street, Brockhaven, Miss.; effective 12-19-63 to 12-18-64 (men's and boys' outerwear jackets and trousers).

Levi Strauss & Co., Post Office Box 1100, McArthur Road, Maryville, Tenn.; effective 12-12-63 to 12-11-64 (men's and boys' trousers).

Waldon Manufacturing Co., Box 915, Walnut, Miss.; effective 12-9-63 to 12-8-64 (men's workshirts and men's and boys' outerwear jackets).

Wyoming Valley Garment Co., 237 Old River Road, Wilkes-Barre, Pa.; effective 12-16-63 to 12-15-64 (men's and boys' trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Warsaw, Ind.; effective 12-9-63 to 12-8-64; 10 learners (men's and boys' dungarees).

East Salem Manufacturing Co., Delaware Township, Juniata County, Rural Delivery No. 2, Mifflintown, Pa.; effective 12-28-63 to 12-27-64; 10 learners (men's and boys' sport and dress shirts).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Whitmire Hosiery Mills, Inc., Chester Highway, Whitmire, S.C.; effective 12-16-63 to 6-15-64; 10 learners for plant expansion purposes (ladies' seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Ainsbrooke Corp., Carmi, Ill.; effective 12-16-63 to 12-15-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's woven underwear).

Sel Mor Garment Co., Inc., 316 North 18th Street, St. Louis, Mo.; effective 12-9-63 to 12-8-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Spotlight Co., Inc., Ashdown, Ark.; effective 12-14-63 to 12-13-64; 5 learners for normal labor turnover purposes (ladies' lingerie and sleepwear).

Spotlight Co., Inc., Ashdown, Ark.; effective 12-14-63 to 6-13-64; 50 learners for plant expansion purposes (ladies' lingerie and sleepwear).

The Worcester Knitting Co., Brussels Street, Worcester, Mass.; effective 12-13-63 to 12-12-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (polo shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 20th day of December 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-61; Filed, Jan. 3, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 241]

RAILROAD FREIGHT CARS

Investigation of Adequacy of Ownership, Car Utilization, Distribution, Rules and Practices

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of December, A.D. 1963.

The Commission having under consideration the recurring freight car shortages in all areas of the country, the possibility of continuing shortages and the reduction in ownership of serviceable freight cars, has determined that there exists a need for a study of freight car supply. The initial stage of the study will be limited to consideration of the adequacy of railroad freight car supply with related subjects such as utilization, distribution, rules and practices being left to a later stage which may develop into a rule making proceeding;

It is ordered, That a proceeding be, and it is hereby, instituted under authority of Part I of the Interstate Commerce Act (49 U.S.C. 1 et seq.) including more specifically sections 1 and 12 thereof, for the purpose of ascertaining the adequacy of railroad freight car ownership.

It is further ordered, That this proceeding be, and it is hereby, assigned to Division 3 for handling and disposition.

It is further ordered, That (1) all Class I railroads, and (2) all Class II railroads and switching and terminal companies listed in Appendix A below, subject to the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing shall be scheduled; that on or before March 1, 1964, respondents shall supply the information outlined in Appendix B below by completing and filing with the Commission at its office in Washington, D.C., six copies of the forms attached hereto as Appendices C and D.[1] Any other interested party may file representations (6 copies) within the same period. Copies need not be served upon any party.

And it is further ordered, That a copy of this order and six additional copies of Appendices C and D shall be served upon each respondent, that a copy of this order be posted in the Office of the Secretary of the Commission, and that a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

APPENDIX A

EX PARTE NO. 241

CLASS II RAILROAD

St. Johnsbury & Lamoille County RR
Lake Erie, Franklin & Clarion RR Co.
New Jersey & New York RR Co.
Port Huron & Detroit RR Co.
Cornwall RR Co.
West Virginia Northern RR Co.
Chesapeake Western Ry.
Washington & Old Dominion RR
Columbia, Newberry & Laurens RR Co.
Durham & Southern Ry. Co.
Lancaster & Chester Ry. Co.
Live Oak, Perry & Gulf RR Co.
Mississippi Export RR Co.
St. Marys RR Co.
South Georgia Ry. Co.
Valdosta Southern RR Co.
Camas Prairie RR Co.
Cedar Rapids & Iowa City Ry. Co.
Columbia & Cowlitz Ry. Co.
Des Moines & Central Iowa Ry. Co.
Marinette, Tomahawk & Western RR Co.
Minnesota, Dakota & Western Ry. Co.
California Western RR
Central California Traction Co.
Nevada Northern Ry. Co.
Oregon, Pacific & Eastern Ry. Co.
Santa Maria Valley RR Co.
Tidewater Southern Ry. Co.
Utah Ry. Co.
Angelina & Neches River RR Co.
Ashley, Drew & Northern Ry. Co.
Louisiana Midland Ry. Co.
New Orleans & Lower Coast RR Co.
North Louisiana & Gulf RR Co.
Northeast Oklahoma RR Co.
Oklahoma City-Ada-Atoka Ry. Co.
Sands Spring Ry. Co.
Can. Nat. Lines in New England
Can. Pac. Lines in Vermont
Cambria & Indiana RR Co.
Detroit & Mackinac Ry. Co.
Genesee & Wyoming RR Co.
Montour RR Co.
Pittsburg & Shawmut RR Co.
Peabody Short Line RR
Pittsburgh, Chartiers & Youghiogheny Ry. Co.
Raritan River RR Co.
Atlantic & Danville Ry. Co.
Interstate RR Co.
Apalachicola Northern RR Co.
Atlantic & East Carolina Ry. Co.
Columbus & Greenville Ry. Co.
Meridian & Bigbee RR Co.
Mississippi Central RR Co.
Paducah & Illinois RR Co.
Tennessee, Alabama & Georgia Ry.
Winston-Salem Southbound Ry. Co.
Ft. Dodge, Des Moines & Southern Ry. Co.
Kewaunee, Green Bay & Western RR Co.
Portland Traction Co.
Waterloo RR Co.
Great Western Ry. Co.
McCloud River RR Co.
Sacramento Northern Ry.
San Diego & Arizona Eastern Ry. Co.
Trona Ry. Co.
Arkansas & Louisiana Missouri Ry. Co.
Midland Valley RR Co.
Quanah, Acme & Pacific Ry. Co.
Roscoe, Snyder & Pacific Ry. Co.
Texas & Northern Ry. Co.
Texas & New Mexico Ry. Co.

Switching and Terminal Companies

Buffalo Creek RR
Detroit Terminal RR Co.
Indiana Harbor Belt RR Co.
Lake Terminal RR Co.
Newburgh & South Shore Ry Co.
Toledo Terminal RR Co.
Aliquippa & Southern RR Co.
Baltimore & Ohio Chicago Terminal RR Co.
Bush Terminal RR Co.
Chicago Heights Terminal Transfer RR Co.
Conemaugh & Black Lick RR Co.
Monongahela Connecting RR Co.
Patapsco & Back Rivers RR Co.
River Terminal Rwy. Co.
Union RR Co. (Pennsylvania)
Norfolk & Portsmouth Belt Line RR Co.
New Orleans Public Belt RR
Terminal Rwy. Alabama State Docks
Chicago River & Indiana RR Co.
Los Angeles Junction Rwy. Co.
Peoria & Pekin Union Rwy. Co.
Manufacturers Rwy. Co.
Cuyahoga Valley Ry. Co.
Fairport, Painesville & Eastern RR Co.
Lake Erie & Eastern RR Co.
Lakefront Dock & RR Terminal Co.
South Buffalo Ry. Co.
Youngstown & Northern RR Co.
Alton & Southern
Belt Ry. of Chicago
Brooklyn Eastern District Terminal
Canton RR Co.
Chicago Produce Terminal Co.
Chicago, West Pullman & Southern RR Co.
McKeesport Connecting RR Co.
New York Dock RR
Philadelphia, Bethlehem & New England
Steelton & Highspire RR Co.
Upper Merion & Plymouth RR Co.
Birmingham Southern RR Co.
New Orleans Terminal Co.
Union Rwy. Co. (Memphis, Tenn.)
Illinois Northern Rwy.
Modesto & Empire Traction Co.
Houston Belt & Terminal Rwy. Co.
Terminal Rwy. Association

APPENDIX B

EX PARTE NO. 241

Investigation

ADEQUACY OF RAILROAD FREIGHT CAR OWNERSHIP, CAR UTILIZATION, DISTRIBUTION, RULES AND PRACTICES

Period to be covered by record of car handling shall be for a period of five weeks ending October 5, through November 2, 1963.

If peak loading of the type specified occurred on your line during a five-week period other than that designated herein, furnish weekly loading data for that peak period also as required by Item 1. Answers to questions 2 to 5 inclusive, need cover only the five weeks ended November 2.

1. Number of revenue cars loaded each week for the period specified.

(a) All cars loaded with revenue or non-revenue freight for roadhaul or Intra-terminal or Inter-terminal movement, including cars originated in a switching district on connecting lines and received for roadhaul movement.

(b) Originated on dependent short lines (not included in (a)).

(c) Reports from other than Class I railroads should include only cars which are loaded for switch movement within a terminal or for local roadhaul movement.

2. Show number of foreign cars loaded and included in total loadings during peak week.

3. Actual average daily shortage of cars for each of the five weeks covered in Item 1(a). The shortage at all stations for each working day (Monday through Friday) totaled for the entire railroad and divided by 5 should be reported as the average daily shortage for each of the five weeks. The number of cars so reported must not exceed one-fifth of the net additional number of cars that could have been loaded (had ample car supply been available) over and above number that were actually loaded.

4. Express in percentage any anticipated increase or decrease in requirements for cars during same five-week period of 1964 as used in this study.

5. Number of serviceable cars separated between system, foreign and private on line on the first day of October and on the first day of November 1963.

EQUIPMENT STATISTICS

1. Ownership of cars as of January 1, 1964.

(a) System cars in unserviceable condition as of January 1, 1964.

(b) System cars held awaiting dismantling or retirement as of January 1, 1964 (included in 1(a)).

(c) Number of cars given heavy repair during period January 1 to December 31, 1963.

2. Installation of cars during period January 1 to December 31, 1963.

(a) New cars purchased or leased.*

(b) Rebuilt.

(c) Otherwise acquired, including cars reclassified, returned from lease or purchased second hand.

3. Retirements of cars during period January 1 to December 31, 1963.

(a) For demolition or sale.

(b) For rebuilding.

(c) For reclassification or lease to others.

4. Estimated installation of cars during 12-month period ending December 31, 1964.

(a) New cars purchased or leased.

(b) Rebuilt.

(c) Otherwise acquired, including cars reclassified, returned from lease or purchased second hand.

5. Estimated retirements of cars during 12-month period ending December 31, 1964.

6. Estimated ownership of cars as of January 1, 1965.

(a) Total ownership.

(b) System bad orders.

(c) Total serviceable ownership.

[F.R. Doc. 64-70; Filed, Jan. 3, 1964; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 31, 1963.

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

[1] Appendices C and D filed as part of original document.

*Long term lease.

15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38734: *Sugarbeet or cane to points in Texas and New Mexico.* Filed by Southwestern Freight Bureau, agent (No. B-8490), for interested rail carriers. Rates on sugarbeet or cane, in carloads, from points in Colorado, Idaho, Oregon, Utah, and Wyoming, also Belle Fourche, S. Dak., to points in Texas and New Mexico.

Grounds for relief: Market competition.

Tariff: Supplement 8 to Southwestern Freight Bureau, agent, tariff I.C.C. 4434.

FSA No. 38735: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 488), for interested rail carriers. Rates on chemicals, mud or mud treating compounds, etc., in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other States not subject to the same conditions.

Tariff: Supplement 7 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

FSA No. 38737: *Soybeans to Cameron, S.C.* Filed by Atlantic Coast Line Railroad Company (No. 210), for itself. Rates on soybeans, in carloads, from Bennettsville, McColl and Tatum, S.C., to Cameron, S.C.

Grounds for relief: Unregulated truck competition.

Tariff: Supplement 13 to Atlantic Coast Line Railroad Company, tariff I.C.C. B-3541.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38736: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 489), for interested rail carriers. Rates on chemicals, mud or mud treating compounds, etc., in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 7 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 64-66; Filed, Jan. 3, 1964; 8:46 a.m.]

[Notice No. 919]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 31, 1963.

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 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 66470. By order of December 26, 1963, the Transfer Board approved the transfer to Hillsboro Transportation Co., Hillsboro, Ohio, of the operating rights claimed in No. MC 120064 (Sub-No. 1) under the "grandfather clause" of Section 206(a)(7)(b), Interstate Commerce Act, by White Moving & Storage Co., Greenfield, Ohio, 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 Public Utilities Commission of Ohio. Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio, attorney for applicants.

No. MC-FC 66483. By order of December 26, 1963, the Transfer Board approved the transfer to J-Z Motor Express, Inc., Greenwich, Conn., of Certificate in No. MC 30653, issued May 2, 1956, to Irving Sockol, doing business as J. Z. Motor Express, Greenwich, Conn., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Greenwich, Conn., and New York, N.Y., serving intermediate points on U.S. Highway 1, and specified off-route points; between New Rochelle, N.Y., and points in the New York, N.Y., commercial zone; and between New Rochelle, N.Y., and points in the New York, N.Y., commercial zone, on the one hand, and, on the other, points in Fairfield County, Conn. Irving S. Rosenblum, 54 Park Row, Stamford, Conn., attorney for applicants.

No. MC-FC 66489. By order of December 26, 1963, the Transfer Board approved the transfer to Lipsky Moving and Storage Corp., 74 Sagamore St., Lynn, Mass., of the certificate in No. MC 4818, issued October 23, 1956, to Jacob Lipsky, doing business as Harry Lipsky Company, 74 Sagamore Street, Lynn, Mass., authorizing the transportation of: Household goods, between Lynn, Mass., and points in Massachusetts within 10 miles of Lynn, on the one hand, and, on the other, New York, N.Y., Philadelphia, Pa., and points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-67; Filed, Jan. 3, 1964; 8:46 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 88th Congress, First Session.

Approved December 30, 1963

S.J. Res. 113 ..... Public Law 88-242
Joint Resolution to authorize the President to issue annually a proclamation designating the first week in March of each year as "Save Your Vision Week".

S. 1175 ..... Public Law 88-249
An Act to revise the boundaries of the Carlsbad Caverns National Park in the State of New Mexico, and for other purposes.

S. 1319 ..... Public Law 88-251
An Act to amend chapter 35 of title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents.

S. 2311 ..... Public Law 88-246
An Act to provide for the preparation and printing of compilations of materials relating to annual national high school and college debate topics.

H.J. Res. 680 ..... Public Law 88-255
Joint Resolution requesting the President to designate 1964 as "United States Customs Year".

H.J. Res. 778 ..... Public Law 88-244
Joint Resolution to provide for participation by the Government of the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law, and authorizing appropriations therefor.

H.J. Res. 848 ..... Public Law 88-254
Joint Resolution to provide for the designation of the month of February in each year as "American Heart Month".

H.J. Res. 880 ..... Public Law 88-247
Joint Resolution establishing that the second regular session of the Eighty-eighth Congress convene at noon on Tuesday, January 7, 1964.

H.R. 5338 ..... Public Law 88-243
An Act to enact the Uniform Commercial Code for the District of Columbia, and for other purposes.

H.R. 6754 ..... Public Law 88-250
An Act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1964, and for other purposes.

H.R. 6868 ..... Public Law 88-248
An Act making appropriations for the Legislative Branch for the fiscal year ending June 30, 1964, and for other purposes.

H.R. 7063 ..... Public Law 88-245
An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1964, and for other purposes.

H.R. 7431 ..... Public Law 88-252
An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1964, and for other purposes.

H.R. 8667 ..... Public Law 88–253
An Act authorizing additional appropriations for the prosecution of comprehensive plans for certain river basins.

H.R. 9413 ..... Public Law 88–256
An Act to provide for the coinage of 50-cent pieces bearing the likeness of John Fitzgerald Kennedy.

Approved December 31, 1963

H.R. 9140 ..... Public Law 88–257
An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1964, and for other purposes.

CUMULATIVE CODIFICATION GUIDE—JANUARY

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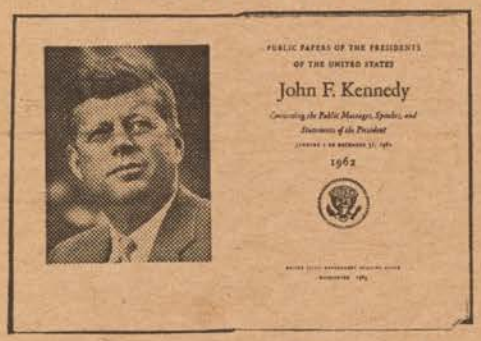

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