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FEDERAL REGISTER

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Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

On June 5, 1964, August 19, 1964, and September 10, 1964, notices of proposed rule making were published in the FEDERAL REGISTER (29 F.R. 7327, 29 F.R. 11844, 29 F.R. 12784), stating that the Civil Service Commission was considering amendment of the regulations governing the Federal Employees Health Benefits Program.

A number of comments were received and given careful consideration. Some of the suggestions for change have been adopted; others, after careful consideration, have not been accepted. In addition, certain clarifying changes have been made and, after careful consideration, it has been decided to extend eligibility for enrollment to employees losing coverage under the Retired Federal Employees Health Benefits Program because of cancellation of the covering enrollment.

There were so many comments, and questions raised, about the proposed advertising rules published as proposed rule making on June 5, 1964 (29 F.R. 7327) that a different rule was drafted and circulated to carriers by letter of October 8, 1964. Comments on this second proposal are still under consideration. Since the regulation changes adopted must become effective by the beginning of the next contract period, November 1, 1964, it is impracticable to delay this revision until a decision can be made on the advertising rules. Consequently, this revision does not alter the present advertising rules except by relocating them in § 890.204. This publication does not terminate the rule-making procedure as to section 890.204 begun by the publication of June 5, 1964 (29 F.R. 7327).

It is ordered, That, effective November 1, 1964, for all sections except § 890.503, and effective on the date of publication for § 890.503, Part 890 of Chapter I of Title 5, Code of Federal Regulations, is amended to read as follows:

Subpart A—Administration and General Provisions

Subpart B—Health Benefits Plans

Subpart C—Registration and Enrollment

Subpart D—Temporary Extension of Coverage and Conversion

Subpart E—Contributions and Withholdings

AUTHORITY: The provisions of this Part 890 secs. 890.101 to 890.503 issued under sec. 10, 73 Stat. 715; 5 U.S.C. 3009.

Subpart A—Administration and General Provisions

§ 890.101 Definitions; time computations.

(a) In this part:

(1) Terms defined by section 2 of the Federal Employees Health Benefits Act of 1959 have the meanings there set forth.

(2) "Cancellation" means the act of filing a health benefits registration form terminating enrollment in a health benefits plan and electing not to be enrolled for the future by an enrolled employee or annuitant who is eligible to continue enrollment.

(3) "Change of enrollment" means the registration of an enrolled employee or annuitant to be enrolled for another plan or option, or for a different type of coverage (self alone or self and family), from that for which then enrolled.

(4) "Eligible" means eligible under the law and this part to be enrolled.

(5) "Employing office" means the office of an agency to which jurisdiction and responsibility for health benefits actions for the employee concerned have been delegated. For enrolled annuitants who are not also eligible employees, the office which has authority to approve payment of annuity or workmen's compensation for the annuitant concerned is the employing office.

(6) "Immediate annuity" means an annuity which begins to accrue not later than 1 month after the date enrollment under a health benefits plan would cease for an employee or member of family if he were not entitled to continue enrollment as an annuitant. Notwithstanding the foregoing, an annuity which commences on the birth of the posthumous child of an employee or annuitant is an immediate annuity.

(7) "Option" means a level of benefits. It does not include distinctions as to whether the members of the family are covered.

(8) "Pay period" means the biweekly pay period established pursuant to the Federal Employees Pay Act of 1945, as amended, for the employees to whom that act applies; the regular pay period for employees not covered by that act; and the period for which a single installment of annuity is customarily paid for annuitants.

(9) "Register" means to file with the employing office a properly completed health benefits registration form, either electing to be enrolled in a health benefits plan or electing not to be enrolled. "Register to be enrolled" means to register an election to be enrolled. "Enrolled" means to be enrolled in a health benefits plan approved by the Commission under this part.

(10) "Regular tour of duty" means a work schedule, prescribed in advance to continue indefinitely or for at least 6 months, of a certain number of hours or other time units in a day, week, biweekly pay period, month, or year.

(b) Whenever, in this part, a period of time is stated as a number of days or a number of days from an event, the period is computed in calendar days, excluding the day of the event. Whenever, in this part, a period of time is defined by beginning and ending dates, the period includes the beginning and ending dates.

§ 890.102 Coverage.

(a) Each employee, other than those excluded by paragraph (c) of this section, is eligible to be enrolled in a health benefits plan at the time and under the conditions prescribed in this part.

(b) An employee who serves in cooperation with non-Federal agencies and is paid in whole or in part from non-Federal funds may register to be enrolled within the period prescribed by the Commission for the group of which the employee is a member following approval by the Commission of arrangements providing that (1) the required withholdings and contributions will be made from Federally-controlled funds and timely deposited into the Employees Health Benefits Fund, or (2) the cooperating non-Federal agency will, by written agreement with the Federal agency, make the required withholdings and contributions from non-Federal funds and transmit them for timely deposit into the Employees Health Benefits Fund.

(c) The following employees are not eligible:

(1) An employee serving under an appointment limited to 1 year or less, except an acting postmaster.

(2) An employee whose employment is of uncertain or purely temporary duration, or who is employed for brief periods

at intervals, and an employee who is expected to work less than 6 months in each year, except an employee having a career-conditional or career appointment, or appointed under Schedule B of Part 213 of this chapter, who is employed under a cooperative work-study program of at least 1 year's duration which requires the employee to be in pay status during not less than one-third of the total time required for completion of the program.

(3) An intermittent employee—a nonfull-time employee without a prearranged regular tour of duty.

(4) An employee whose salary, pay, or compensation on an annual basis is $350 a year or less.

(5) A beneficiary or patient employee in a Government hospital or home.

(6) An employee paid on a contract or fee basis.

(7) An employee paid on a piecework basis, except one whose work schedule provides for full-time service or part-time service with a regular tour of duty.

(d) The Commission makes the final determination of the applicability of this section to a specific employee or group of employees.

§ 890.103 Employee appeals, corrections, and adjustments.

(a) An employee or annuitant may appeal a refusal of an employing office to permit him to register to enroll, or to change enrollment. The appeal shall be made in writing, within 30 days of the refusal, to the Bureau of Retirement and Insurance, United States Civil Service Commission, Washington, D.C., 20415.

(b) An employee or annuitant may appeal a refusal of the Bureau of Retirement and Insurance to permit him to register to enroll, or to change enrollment. The appeal shall be made in writing, within 90 days of the refusal, to the Board of Appeals and Review, United States Civil Service Commission, Washington, D.C., 20415.

(c) (1) The employing office may make prospective correction of administrative errors as to enrollment at any time.

(2) The Bureau of Retirement and Insurance may order correction of an error, mistake, or omission upon a showing satisfactory to the Bureau that it would be against equity and good conscience not to do so.

(3) The Bureau of Retirement and Insurance may order the termination of an employee's or annuitant's enrollment in a group-practice plan and permit his enrollment in another plan upon a showing satisfactory to the Bureau that the furnishing of adequate medical care is jeopardized by a seriously impaired relationship between a patient and the plan's medical staff.

(d) The Commission does not adjudicate individual claims for payment or service under health benefits plans, nor does it arbitrate or attempt to compromise disputes between an employee or annuitant and his carrier as to claims for payment or service.

§ 890.104 Legal actions.

An action to compel enrollment of an employee or annuitant not excluded by § 890.102(c) should be brought against the employing office. An action to recover on a claim for health benefits should be brought against the carrier of the health benefits plan. An action to review the legality of the Commission's regulations or a decision made by the Commission should be brought against the United States Civil Service Commissioners, Washington, D.C., 20415.

Subpart B—Health Benefits Plans

§ 890.201 Minimum standards for health benefits plans.

(a) To be qualified to be approved by the Commission, a health benefits plan shall:

(1) Comply with the Federal Employees Health Benefits Act of 1959 and this part, as amended from time to time.

(2) Accept the enrollment, in accordance with this part, and without regard to age, race, sex, health status, or hazardous nature of employment, of each eligible employee and annuitant except that a plan which is sponsored or underwritten by an employee organization may not accept the enrollment of a person who is not a member of the organization, but it may not limit membership in the organization on account of these prohibited factors. The carrier may terminate the enrollment of an employee or of an annuitant, other than a survivor annuitant, in a health benefits plan sponsored or underwritten by an employee organization on account of termination of membership in the organization. A comprehensive medical plan need not enroll an employee or annuitant residing outside geographic areas specified by the plan. A carrier who wishes to terminate the enrollment of an employee or annuitant under this subparagraph may do so by notifying the employing office in writing, with a copy of the notice to the employee. The termination is effective at the end of the pay period in which the employing office receives the notice.

(3) Provide health benefits for each enrolled employee and annuitant and covered member of their families wherever they may be.

(4) Provide for conversion to a contract for health benefits regularly offered by the carrier, or an appropriate affiliate, for group conversion purposes, which shall be guaranteed renewable, subject to such amendments as apply to all contracts of this class, except that it may be canceled for fraud, over-insurance, or nonpayment of periodic charges. A carrier shall permit conversion within the time allowed by the temporary extensions of coverage provided under section 890.401 for each employee, annuitant, and member of family entitled to convert. When an employing office gives an employee written notice of his privilege of conversion, the carrier shall permit conversion at any time before (i) 15 days after the date of notice or (ii) 75 days after his enrollment is terminated, whichever is earlier. When the Commission requests an extension of time for conversion because of delayed determination of ineligibility for immediate annuity, the carrier shall permit conversion until the date specified by the Commission in its request for extension. On conversion, the contract becomes effective as of the day following the last day of the temporary extension, and the employee, annuitant, or member of the family, as the case may be, shall pay the entire cost thereof directly to the carrier. The nongroup contract may not deny or delay an obstetrical or other benefit covered by the contract for a person converting from a plan approved under this part, except to the extent that benefits are continued under the health benefits plan from which he converts.

(5) Provide that each employee and annuitant who enrolls in the plan receive an identification card or cards or other evidence of his enrollment.

(6) Provide a standard rate structure which contains, for each option, one standard individual rate, and one standard family rate, without geographical or other variations.

(7) Maintain statistical records regarding the plan, separately from those of any other activities conducted or benefits offered by the carrier sponsoring or underwriting the plan.

(8) Provide for a special reserve for the plan. The carrier shall account for amounts retained by it as reserves for the plan separately from reserves maintained by it for other plans. The carrier shall invest the special reserve and income derived from the investment of the special reserve shall be credited to the special reserve. If the contract is terminated or approval of the plan is withdrawn, the carrier shall return the special reserve to the Employees Health Benefits Fund. However, in the case of a group-practice plan, the carrier, without regard to the foregoing provisions of this subparagraph, shall follow such financial procedures as are mutually agreed on by the carrier and the Commission.

(9) Provide for continued enrollment to the end of the then current pay period of each employee and annuitant enrolled at the effective date of termination of a contract. The carrier is entitled to subscription charges for this continued enrollment.

(b) To be qualified to be approved by the Commission, a health benefits plan shall not:

(1) Deny a covered person a benefit provided by the plan for a service performed on or after the effective date of coverage solely because of a pre-existing physical or mental condition, except that a plan may provide benefits for dentistry or cosmetic surgery, or both, limited to conditions arising after the effective date of coverage; or require a waiting period for any covered person for benefits which it provides, except that a plan, with the approval of the Commission, may limit benefits for services performed for a person, other than a person changing from one plan to another because his health benefits plan is discontinued in whole or part or changing pursuant to an order of the Bureau of Retirement and Insurance, who, on the effective date of enrollment or change of enrollment, is confined in a hospital or other institution, so long as the person is continuously confined therein. In this subparagraph "continuously confined" means one or

more periods of confinement without a break of 31 consecutive days between actual confinements, except that a carrier by agreement with the Commission may provide that a shorter break terminates a continuous confinement.

(2) Have more than two options.

(3) Have an initiation, service, enrollment, or other fee or charge in addition to the rate charged for the plan, except that a comprehensive medical plan may impose an additional charge to be paid directly by the employee or annuitant for certain medical supplies and services, if the supplies and services on which additional charges are imposed are clearly set forth in advance and are applicable to all employees and annuitants. This subparagraph does not apply to charges for membership in employee organizations sponsoring or underwriting plans.

§ 890.202 Minimum standards for health benefits carriers.

The Commission shall approve a health benefits plan only when the carrier of the plan meets the requirements of the Federal Employees Health Benefits Act of 1959, as amended, and the following requirements:

(a) It must be lawfully engaged in the business of supplying health benefits.

(b) It must have, in the judgment of the Commission, the financial resources and experience in the field of health benefits to carry out its obligations under the plan.

(c) It must agree to keep such reasonable financial and statistical records and furnish such reasonable financial and statistical reports with respect to the plan as may be requested by the Commission.

(d) It must agree to permit representatives of the Commission and of the General Accounting Office to audit and examine its records and accounts which pertain, directly or indirectly, to the plan at such reasonable times and places as may be designated by the Commission or the General Accounting Office.

(e) It must agree to accept, subject to adjustment for error or fraud, in payment of its charges for health benefits for all employees and annuitants enrolled in its plan, the enrollment charges received by the Employees Health Benefits Fund less the amounts set aside for the administrative and contingency reserves prescribed in § 890.503. The Commission will pay over the amounts due each carrier at such times as are agreed on by the carrier and the Commission.

(f) A carrier which is an employee organization must agree to continue coverage, without requirement of membership, of any eligible survivor annuitants.

§ 890.203 Application for approval of, and proposal of amendments to, health benefits plans.

(a) Application for approval of comprehensive medical plans may be made by letter to the United States Civil Service Commission, Washington, D.C., 20415. Approval of a plan will become effective on a date to be set by the Commission for the plan. An application received less than 6 months in advance of a contract period will not be approved for that contract period.

(b) Any proposal for change in a health benefits plan shall be in writing, specifically describe the change proposed, and be signed by an authorized official of the carrier. The Commission will review a proposal for change and notify the carrier whether it accepts the change and may make a counterproposal or at any time propose changes on its own motion. The Commission will not consider until after the expiration of the then current contract period any proposal for change which is received less than 6 months before the expiration of the then current contract period, except that changes in subscription charges for the ensuing contract period may be proposed not less than 4 months before the expiration of the then current contract period.

§ 890.204 Advertising and publicity.

A carrier may not advertise a plan approved under the Federal Employees Health Benefits Program, or its participation in the program, to employees, or solicit enrollment of employees in a plan approved under the program, other than in accordance with the instructions of the Commission.

§ 890.205 Withdrawal of approval of health benefits plans.

(a) The Commissioners may withdraw their approval of a health benefits plan.

(b) Before withdrawing approval of a plan, the Commissioners shall cause to be sent, by certified mail, a notice to the carrier stating that they intend to withdraw their approval, and giving the reasons therefor. The carrier is entitled to reply in writing within 15 days of its receipt of the notice, stating the reasons why approval should not be withdrawn.

(c) On receipt of the reply, or in the absence of a timely reply, the Commissioners shall set a time and place for hearing. The Commissioners shall conduct the hearing or designate a representative to do so, unless the carrier waives hearing. The carrier shall be given notice thereof, by certified mail, at least 15 days in advance of the hearing. The carrier is entitled to appear by representative and present oral and written evidence and argument in opposition to the proposed action.

(d) The Commissioners shall make their decision on the record and communicate it to the carrier by certified mail. The Commissioners may set a future effective date for withdrawal of their approval.

(e) The Commissioners, in their discretion, may reinstate approval of a plan on a finding that the reasons for withdrawing approval no longer exist.

Subpart C—Registration and Enrollment

§ 890.301 Opportunities to register to enroll and change enrollment.

(a) *Initial registration.* Except as otherwise provided in this part, each employee who becomes eligible shall register within 31 days after becoming eligible.

(b) *Belated registration.* When an employing office determines that an employee was unable, for cause beyond his control, to register to be enrolled or to change his enrollment within the time limits prescribed by this section, that office shall accept his registration within 31 days after it advises him of that determination.

(c) *Reregistration.* An employee whose enrollment was terminated under § 890.304(a)(4), or because he had a break in service of more than 3 days, or because he was furloughed by reason of reduction in force, shall register within 31 days after his return to pay status.

(d) *Open season.* (1) Not less often than once every 3 years, the Commission by regulation shall provide every employee an opportunity for enrollment and change of enrollment, on such terms and conditions as it may prescribe.

(2) During the period February 1 to February 15, 1965, an employee who is not registered to be enrolled may register to to be enrolled, and any enrolled employee or annuitant may change his enrollment from one plan or option to another, or from self alone to self and family, or both.

(e) *Change in family status.* An enrolled employee or annuitant may register to change his enrollment from self alone to self and family, or from one plan or option to another, or both, and an employee, if registered not to be enrolled, may register to be enrolled, at any time during the period beginning 31 days before a change in marital status and ending 60 days after the change in marital status. An enrolled employee or annuitant may change his enrollment from self alone to self and family within 60 days after any other change in family status.

(f) *Change to self alone.* An employee or annuitant may register at any time to change his enrollment from self and family to self alone. An employee or annuitant who is covered by the enrollment of another under this part may register to be enrolled for self alone within 31 days after a registration to change the covering enrollment has been filed under authority of this paragraph.

(g) *Loss of coverage under Federal programs.* (1) An employee who is not enrolled, but is covered by Chapter 55 of Title 10, United States Code (referred to in this paragraph as Medicare) or by an enrollment under Part 891 of this chapter, may register to be enrolled within 31 days after termination of coverage under Medicare or the enrollment, other than because of death, and within 60 days after termination, because of death, of Medicare or the enrollment.

(2) An employee who is not enrolled, but is covered by the enrollment of another under this part, may register to be enrolled within 31 days after termination of his coverage under the other's enrollment, other than because of death or cancellation, and within 60 days after termination, because of death, of the other's enrollment.

(3) An employee annuitant who was covered by the enrollment of another under this part and had been covered (including enrollment in his own right)

under this part since his first opportunity or for the 5 years immediately preceding his retirement, whichever is shorter, may register to enroll within 31 days after the termination of the covering enrollment, other than by cancellation.

(h) *Move from area served by comprehensive medical plan.* If a comprehensive medical plan limits full service to a geographic area, an employee or annuitant enrolled in that plan who moves outside the full service area or, if already living outside the full service area, moves farther from the full service area, may register, at any time after the move, to be enrolled in another health benefits plan.

(i) *Termination by employee organization plan.* An employee or annuitant who is enrolled in a health benefits plan sponsored or underwritten by an employee organization and whose membership in the employee organization is terminated, may register, if the plan terminates his enrollment, within 31 days after termination of his enrollment in the employee organization plan, to be enrolled in another health benefits plan. However, the employee or annuitant may not change his enrollment from self alone to self and family.

(j) *Transfer to or from overseas post of duty.* An employee who is transferred from a post of duty within the several States or the District of Columbia to a post of duty outside the several States and the District of Columbia, or the reverse, may register to be enrolled or to change his enrollment with respect to whether his family is covered, or the health benefits plan or option in which he is enrolled, or both, within the period beginning 31 days before the date he leaves the old post of duty and ending 31 days after he arrives at the new post of duty. An annuitant who is eligible to continue health benefits may register to change enrollment with respect to whether his family is covered, or the health benefits plan or option in which enrolled, or both, within 60 days after retirement or the death of the employee on whose service title to annuity is based, if the employee is stationed at a post of duty outside the several States and the District of Columbia at the time of his retirement or death, as the case may be.

(k) *Termination of plan in which enrolled.* If a plan is discontinued in whole or part, each employee and annuitant whose enrollment is thereby terminated may enroll in another plan. If the discontinuance is at the end of a contract period which is immediately preceded by an open season, the time for enrollment is the open season. Otherwise the Commission shall establish, by order, a time and effective date for enrollment. Persons who fail to change enrollment within the time set are considered to have cancelled their enrollments, except that if one option of a plan is discontinued, enrolled employees and annuitants who do not change plans will be considered enrolled in the remaining option of the plan.

(l) *On reaching 19.* An employee who is not registered to be enrolled may register to be enrolled within 31 days after he becomes 19 years of age.

(m) *On return from a uniformed service.* An employee who enters on duty in a uniformed service for a period of time not limited to 30 days or less may register to be enrolled or to change his enrollment within 31 days after he is restored to a civilian position pursuant to Part 353 of this chapter or other similar authority; and an annuitant who enters on duty in a uniformed service for a period of time not limited to 30 days or less may register to change his enrollment within 31 days after he is separated from the uniformed service.

(n) *Change in employment status.* If an employee or annuitant is entitled to provide coverage for another by a self-and-family enrollment, but both are enrolled for self alone, he may change his enrollment to self and family within 31 days after the other enrollment is terminated by a change in employment status which results in loss of eligibility.

(o) *Sole survivor.* When an employee or annuitant enrolled for self and family dies, leaving a survivor annuitant who is entitled to continue the enrollment in a health benefits plan, and it is apparent from available records that the survivor annuitant is the sole survivor entitled to continue enrollment in the health benefits plan, the office of the retirement system which is acting as employing office shall change the enrollment from self and family to self alone, effective on the commencing date of annuity for the survivor annuitant. On request of the survivor annuitant made within 31 days after the first installment of annuity is paid, the office of the retirement system which is acting as employing office shall rescind the action retroactive to the effective date of the action, with corresponding adjustment in withholdings and contributions.

(p) *Annuity insufficient to pay withholdings.* If the annuity of an annuitant or of all annuitants in a family is not sufficient to pay the withholdings for the plan in which the annuitants are enrolled, the employing office shall notify the annuitant of the plans available at a cost not in excess of the annuity. The annuitant may register to be enrolled in another plan whose cost is no greater than his annuity.

(q) *Registration by proxy.* In the discretion of the employing office, a representative of the employee or annuitant having a written authorization to do so may register for him.

(r) *Public Law 88–284.* An annuitant who becomes eligible to continue his enrollment by virtue of Public Law 88–284 may register, at any time before December 31, 1964, to be enrolled.

§ 890.302 Coverage of family members.

(a) *Family enrollment.* An employee or annuitant who enrolls for self and family includes in his enrollment all members of his family who are eligible to be covered by his enrollment, but no person may be covered by two enrollments.

(b) *Child incapable of self-support.* When an employee or annuitant enrolls for a family which includes a child incapable of self-support who has become 21 years of age, the employing office shall require the employee or annuitant to submit a certificate of the physician that the child is incapable of self-support because of a physical or mental disability which existed before the child became 21 years of age, and can be expected to continue for more than 1 year. The certificate shall include a statement of the name of the child, the nature of his disability, the period of time it has existed, and its probable future course and duration. The certificate shall be signed by the physician and show his office address. When an employee or annuitant is enrolled for a family which includes a child under 21 years of age who is incapable of self-support because of a physical or mental disability, the employing office shall require the employee or annuitant to submit the certificate on or before the date the child becomes 21 years of age. However, the employing office may accept otherwise satisfactory evidence of incapacity not timely filed.

(c) *Renewal of certificates of incapacity.* The employing office shall require the employee or annuitant who has submitted a certificate of incapacity to renew that certificate on the expiration of the minimum period of disability certified.

(d) *Determination of incapacity.* The employing office shall make determinations of incapacity.

§ 890.303 Continuation of enrollment.

(a) *On transfer.* Except as otherwise provided by this part, the registration of an employee or annuitant eligible to continue enrollment continues without change when he (1) moves from one employing office to another, without a break in service of more than 3 days, whether the personnel action is designated as a transfer or not, or (2) changes from one employing office to another by reason of reemployment, if he is an annuitant, or by reason of retirement under conditions making him eligible to continue enrollment. For the purpose of this part, an employee is considered to have enrolled at his first opportunity if he registered to be enrolled during the first of the periods set forth in section 890.301 in which he was eligible to register or was covered at that time by the enrollment of another employee, or registered to be enrolled effective not later than December 31, 1964.

(b) *Change of enrolled employees to certain excluded positions.* Employees and annuitants enrolled under this part who move, without a break in service or after a separation of 3 days or less, to an employment in which they are excluded by § 890.102(c), continue to be enrolled so long as they are employed full-time, or part-time with a regular tour of duty, unless excluded by subparagraphs (3), (4), (5), (6), or (7) of § 890.102(c).

(c) *On death.* The enrollment of a deceased employee or annuitant who is enrolled for self and family is transferred automatically to his eligible survivor annuitants. The enrollment is considered to be that of the survivor annuitant from whose annuity all or the greatest por-

tion of the withholding for health benefits is made. It covers members of the family of the deceased employee or annuitant. A remarried spouse is not a member of the family of the deceased employee or annuitant.

(d) *Survivor annuitants.* If an employee who is entitled to health benefits coverage as a survivor annuitant elects to enroll or to continue to be enrolled under his eligibility as an employee, and is thereafter separated without entitlement to continued enrollment based on his own service, he is entitled to reinstatement of his employee-acquired enrollment on application to his retirement office. Reinstatement is effective immediately after termination of his employee-acquired enrollment if the application is received by the retirement office within 60 days of separation; otherwise reinstatement is effective on the first day of the first pay period after receipt of the application. The retirement office shall withhold from the annuity that the former employee receives as a survivor annuitant, the amounts necessary to pay his share of the cost of the enrollment.

(e) *In nonpay status.* The enrollment of an employee continues without cost to the employee while he is in nonpay status for up to 365 days. The 365 days' nonpay status may be continued or broken by periods of less than 4 consecutive months in pay status. If an employee has at least 4 consecutive months in pay status after a period of nonpay status he is entitled to begin the 365 days' continuation of enrollment anew. For the purposes of this paragraph, 4 consecutive months in pay status means any four-month period during which the employee is in pay status for at least part of each pay period.

§ 890.304 Termination of enrollment.

(a) *Employees.* An employee's enrollment terminates, subject to the temporary extension of coverage for conversion, at midnight of the earliest of the following dates:

(1) The last day of the pay period in which he is (i) furloughed by reason of reduction in force, or (ii) separated from the service other than by retirement under conditions entitling him to continue his enrollment.

(2) The last day of the pay period in which his employment status changes so that he is excluded from enrollment.

(3) The last day of the pay period in which he dies, unless he leaves a member of the family entitled to continue enrollment as a survivor annuitant.

(4) The day on which the continuation of enrollment under § 890.303(e) expires, or, if he is not entitled to any further continuation because he has not had 4 consecutive months of pay status since exhausting his 365 days' continuation of coverage in nonpay status, the last day of his last pay period in pay status.

(5) The day he is separated, furloughed, or placed on leave of absence in accordance with the provisions of Part 353 of this chapter or other similar authority for the purpose of performing duty not limited to 30 days or less in a uniformed service.

(b) *Annuitants.* (1) If the annuity of an annuitant or of all survivor annuitants in a family is not sufficient to pay the withholdings for the plan in which the annuitants are enrolled, and the annuitant does not, or cannot, elect a plan under § 890.301(p) at a cost to him not in excess of the annuity, the employing office shall terminate the annuitant's enrollment effective as of the end of the last period for which withholding was made. Each annuitant whose enrollment is so terminated is entitled to a 31-day extension of coverage for conversion.

(2) An annuitant's enrollment terminates, subject to the temporary extension of coverage for conversion, at midnight of the last day of the pay period in which he dies, unless he leaves a member of the family entitled to continue enrollment as a survivor annuitant, or, if his enrollment is not terminated by death, at midnight of the earliest of the following dates:

(i) The last day of the last pay period for which he is entitled to annuity, unless he is eligible for continued enrollment as an employee in which case his enrollment continues without change.

(ii) The last day of the pay period in which his title to compensation under the Federal Employees' Compensation Act, as amended, terminates, or in which he is held by the Secretary of Labor to be able to return to duty, unless he is eligible for continued enrollment as an employee or as an annuitant under a retirement system for civilian employees in which case his enrollment continues without change.

(iii) The day he enters on active duty in a uniformed service for the purpose of performing duty not limited to 30 days or less.

(c) *Coverage of members of the family.* The coverage of a member of the family of an enrolled employee or annuitant terminates, subject to the temporary extension of coverage for conversion, at midnight of the earlier of the following dates:

(1) The day on which he ceases to be a member of the family.

(2) The day the employee or annuitant ceases to be enrolled, unless the member is entitled, as a survivor annuitant, to continued enrollment, or is entitled to continued coverage under the enrollment of another.

(d) *Cancellation.* An enrolled employee or annuitant may register to cancel his enrollment at any time by filing with his employing office a properly completed health benefits registration form. The cancellation becomes effective on the last day of the pay period after the pay period in which the health benefits registration form canceling his enrollment is received by his employing office, except that the cancellation of an employee or annuitant having a monthly or 4-weekly pay period becomes effective at the end of the pay period in which the health benefits registration form is received if the form is received not less than 15 days before the end of the pay period. He and the members of his family are not entitled to the temporary extension of coverage for conversion or to convert to an individual contract for health benefits.

§ 890.305 Reinstatement of enrollment after military service.

The enrollment of an employee or annuitant whose enrollment was terminated because he entered on duty in a uniformed service for a period of time not limited to 30 days or less is reinstated automatically on the day the employee is restored to a civilian position pursuant to Part 353 of this chapter or other similar authority or on the day the annuitant is separated from the uniformed service, as the case may be.

(a) *Change to self alone.* The effective date of a change of enrollment under § 890.301(f) is the first day of the first pay period after the health benefits registration form is received by the employing office, except that at the request of the employee or annuitant and upon a showing satisfactory to the employing office that there was no family member eligible for coverage by the family enrollment, the change may be made effective as of the first day of the pay period following the one in which there were no family members.

(b) *Annuitant required to change enrollment.* The effective date of an annuitant's change to a lower cost enrollment under § 890.301(p) is immediately upon termination of his prior enrollment.

(c) *Open season.* (1) The effective date of a change in enrollment under § 890.301(d)(2) is the first day of the first pay period beginning on or after March 1, 1965.

(2) The effective date of a new enrollment under § 890.301(d)(2) is the first day of the first pay period beginning on or after March 1, 1965, which follows a pay period during any part of which the employee or annuitant is in pay or annuity status.

(d) *Generally.* The effective date of any other enrollment or change of enrollment is the first day of the first pay period which begins after the health benefits registration form is received by the employing office and which follows a pay period during any part of which the employee or annuitant is in pay or annuity status.

§ 890.307 Waiver or suspension of annuity or compensation.

(a) Except as provided in paragraph (b) of this section, when annuity or compensation is entirely waived or suspended, the annuitant's enrollment continues for not more than 3 months (not more than 12 weeks for annuitants whose compensation under the Federal Employees' Compensation Act is paid each 4 weeks). If the waiver or suspension continues beyond this period, the annuitant's enrollment is terminated, subject to the temporary extension of coverage for conversion, effective at the end of the period. It is reinstated automatically when payment of annuity or compensation is resumed, and the employing office shall make the withholding for the period of suspension or waiver during which enrollment was continued.

(b) If suspension of annuity or compensation is because of reemployment, the reemploying office shall make the withholding currently and enrollment continues during reemployment.

Subpart D—Temporary Extension of Coverage and Conversion

§ 890.401 Temporary extension of coverage and conversion.

(a) *Thirty-one day extension and conversion.* An employee or annuitant whose enrollment is terminated other than by cancellation of the enrollment or discontinuance of his plan, in whole or part, and a member of the family whose coverage is terminated other than by cancellation of the enrollment or discontinuance of the plan under which he is covered, in whole or part, is entitled to a 31-day extension of coverage for self alone or self and family, as the case may be, without contributions by the enrolled person or the Government, during which he is entitled to exercise the right of conversion provided for by this part. A change from self and family to self alone operates as a cancellation as to the members of the family. The 31-day extension of coverage and the right of conversion for any person ends on the effective date of a new enrollment under this part which covers the person.

(b) *Continuation of benefits.* (1) Any person who has been granted a 31-day extension of coverage in accordance with paragraph (a) of this section and who is confined in a hospital or other institution for care or treatment on the 31st day of the temporary extension is entitled to continuation of the benefits of the plan during the continuance of the confinement but not beyond the 60th day after the end of the temporary extension.

(2) Any person whose enrollment has been changed from one plan to another, or from one option of a plan to the other option of that plan, unless because of the discontinuance of the plan in whole or part or pursuant to an order of the Bureau of Retirement and Insurance, and who is confined in a hospital or other institution for care or treatment on the last day of enrollment under the prior plan or option, is entitled to a continuation of the benefits of the prior plan or option during the continuance of the confinement, but not beyond the 91st day after the last day of enrollment in the prior plan or option. The plan or option to which enrollment has been changed shall not pay benefits with respect to that person while that person is entitled to continuance of benefits under the prior plan or option.

Subpart E—Contributions and Withholdings

§ 890.501 Government contributions.

(a) The Government contribution for all plans, except those for which another contribution is set by paragraph (b) of this section for each enrolled employee who is paid biweekly is as follows:

For an employee enrolled for self alone	$1.30
For an employee enrolled for self and family	3.12

(b) The biweekly Government contribution for each employee or annuitant enrolled in a plan whose total enrollment charge is less than twice the appropriate contribution listed in paragraph (a) of this section is 50 percent of the enrollment charge.

(c) The Government contribution for annuitants and for employees who are not paid biweekly is a percentage of that fixed by paragraphs (a) and (b) of this section proportionate to the length of the pay period, rounding fractions of a cent to the nearest cent.

(d) The Government contribution for employees whose annual salary is paid during a period shorter than 52 workweeks is determined on an annual basis and prorated over the number of installments of pay regularly paid during the year.

(e) The employing office shall not make a contribution for an employee or annuitant for periods for which withholding is not made.

§ 890.502 Employee withholdings.

(a) The employing office shall make the withholding required from enrolled survivor annuitants from the annuity of any surviving spouse. If that annuity is less than the withholding required, the employing office shall make the withholding to the extent necessary from the annuity of the youngest child, and, if necessary, from the annuity of the next older child, in succession, until the withholding is satisfied.

(b) The employing office shall not withhold from an employee who is in nonpay status, or from an annuitant for periods for which he does not receive annuity.

(c) Withholding for employees whose annual salary is paid during a period shorter than 52 workweeks is determined on an annual basis and prorated over the number of installments of pay regularly paid during the year.

§ 890.503 Reserves.

(a) The enrollment charge consists of the rate approved by the Commission for payment to the plan for each employee or annuitant enrolled, plus 4 percent, of which one part is for an administrative reserve and three parts are for a contingency reserve for the plan.

(b) The administrative reserve is credited with the one one-hundred-and-fourth of the enrollment charge set aside for the administrative reserve. The administrative reserve is available for payment of administrative expenses of the Commission incurred under this part, and for such other purposes as may be authorized by law.

(c)(1) The contingency reserve for each plan is credited with (i) the three one-hundred-and-fourths of the enrollment charge set aside for the contingency reserve from the enrollment charges for employees and annuitants enrolled for that plan, (ii) amounts transferred in accordance with law from other contingency reserves and the administrative reserve, (iii) income from investment of the reserve, (iv) its proportionate share of the income from investment of the administrative reserve, and (v) any return of reserves of the plan. The preferred minimum balance for the contingency reserve is 1 month's subscription charges at the average monthly rate paid from the Employees Health Benefits Fund for the plan during the most recent contract period.

(2) When, as of the end of a contract period, the total of all the reserves held by a carrier (other than a group-practice carrier) for the plan amounts to less than the total of the last 5 months' subscription charges paid from the fund to the carrier for the plan, the carrier is entitled to payment from the contingency reserve of the lesser of: An amount equal to the difference between the total of the last 5 months' subscription charges paid from the fund to the carrier for the plan and the total of the reserves held by the carrier for the plan, or an amount equal to the excess, if any, of the contingency reserve over the preferred minimum balance. The Commission shall authorize this payment after receipt of the accounting report for the contract period. The carrier shall credit the amount so paid to the special reserve for the plan.

(3) If a group-practice carrier's contingency reserve exceeds the preferred minimum balance, the carrier may request the Commission to pay a portion of the reserve not greater than the excess of the contingency reserve over the preferred minimum balance. The carrier shall state the reason for the request. The Commission will decide whether to allow the requests in whole or in part and will advise the plan of its decision.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 64-11028; Filed, Oct. 28, 1964; 8:48 a.m.]

PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

Subpart B—Appointment, Compensation, and Removal of Hearing Examiners

Section 930.210 is amended to reflect a Commission decision that the pay of a newly-appointed hearing examiner will not be set above the minimum of the grade under the authority contained in section 801 of the Classification Act of 1949, i.e., on the basis of unusually high or unique qualifications or a special need of the Government for the appointee's services.

§ 930.210 Compensation.

* * * * *

(d) Upon appointment, a hearing examiner shall be paid at the minimum rate of the grade approved by the Commission unless he is eligible for a higher rate because of prior service.

(Sec. 11, 60 Stat. 244; 5 U.S.C. 1010)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 64-11029; Filed, Oct. 28, 1964; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

SUBCHAPTER A—GENERAL PROVISIONS

[Order No. 325–64]

PART 3—BOARD OF IMMIGRATION APPEALS

Notice of Appeal

By virtue of the authority vested in me by section 103 of the Immigration and Nationality Act, 66 Stat. 173 (8 U.S.C. 1103), section 161 of the Revised Statutes (5 U.S.C. 22), section 2 of Reorganization Plan No. 2 of 1950, and section 1 of Reorganization Plan No. 4 of 1953, paragraph (a) of § 3.3 of the regulations relating to the Board of Immigration Appeals is amended and a new paragraph (c) is added to read as follows:

§ 3.3 Notice of appeal.

(a) A party affected by a decision who is entitled under this chapter to appeal to the Board shall be given notice of his right to appeal. An appeal shall be taken by filing Notice of Appeal, Form I–290A, in triplicate, with the officer of the Service having administrative jurisdiction over the case, within the time specified in the governing sections of this chapter. The certification of a case as provided in this part shall not relieve the party affected from compliance with the provisions of this section in the event that he is entitled, and desires, to appeal from an initial decision, nor shall it serve to extend the time specified in the applicable parts of this chapter for the taking of an appeal. Departure from the United States of a person under deportation proceedings prior to the taking of an appeal from a decision in his case shall constitute a waiver of his right to appeal.;

* * * * *

(c) *Briefs.* Briefs in support of or in opposition to an appeal shall be filed in triplicate with the officer of the Service having administrative jurisdiction over the case within the time fixed for appeal or within any other additional period designated by the special inquiry officer or other Service officer who made the decision. Such officer or the Board for good cause may extend the time for filing a brief or reply brief. The Board in its discretion may authorize the filing of briefs directly with it, in which event the opposing party shall be allowed a specified time to respond.

The amendment and the addition made by this order shall become effective on the date of publication of this order in the FEDERAL REGISTER.

The amendment and addition made by this order are technical in nature and involve agency procedure and do not impair any substantive or procedural right of any individual. Therefore, compliance with the provisions of section 4, of the Administrative Procedure Act (5 U.S.C. 1003), as to notice of proposed rule making and as to delayed effective date, is unnecessary.

Dated: October 26, 1964.

NICHOLAS DEB. KATZENBACH,
Acting Attorney General.

[F.R. Doc. 64–11036; Filed, Oct. 28, 1964; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 18548]

PART 545—OPERATIONS

Investments in Securities

OCTOBER 23, 1964.

Resolved that the Federal Home Loan Bank Board upon the basis of consideration by it of the advisability of amendment of § 545.9 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9) as hereinafter set forth, so as to provide implementation of amendments made to section 5(c) of the Home Owners' Loan Act by the Housing Act of 1964 (P.L. 88–560), approved September 2, 1964, and for the purpose of effecting such amendment and such implementation hereby amends said § 545.9, as follows, effective October 29, 1964.

Amend § 545.9 of the rules and regulations for the Federal Savings and Loan System to read as follows:

§ 545.9 Investments in securities.

(a) *General provisions.* A Federal association may invest in obligations of, or fully guaranteed as to principal and interest by, the United States, or in the stock of a Federal home loan bank, or in the stock of the Federal National Mortgage Association through making nonrefundable capital contributions as provided in subsections (b) and (f) of section 303 of the National Housing Act, as amended, or in obligations, participations, or other instruments of or issued by, or fully guaranteed as to principal and interest by, the Federal National Mortgage Association, a Bank or Banks for Cooperatives, including the Central Bank for Cooperatives, a Federal Land Bank or Banks, a Federal Home Loan Bank or Banks, a Federal Intermediate Credit Bank or Banks, the Tennessee Valley Authority; or in general obligations of any State or of any political subdivision thereof. For the purposes of this section, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States.

(b) *Limitations on investments in specific securities.* Investments by a Federal association in general obligations of any State or political subdivision thereof shall be limited to obligations which, at the time of investment by such association, are in the four highest grades as shown by the most recently published ratings made of such obligations by a nationally recognized investment rating service, except that a Federal association may invest in unrated general obligations of a political subdivision, other than a State, in which the association's home office or a branch office is located but investments made under this exception shall not be made in an aggregate amount exceeding 1 percent of the association's assets.

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

Resolved further that, as the foregoing amendment is designed to conform the provisions of § 545.9 of the rules and regulations for the Federal Savings and Loan System to the provisions of section 5(c) of the Home Owners' Loan Act as amended by the Housing Act of 1964, the Board hereby finds that notice and public procedure on the said amendment are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and section 4(a) of the Administrative Procedure Act.

Resolved further that, inasmuch as the foregoing amendment relieves restriction, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board and section 4(c) of the Administrative Procedure Act is not required and the Board hereby provides that the above said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 64–11025; Filed, Oct. 28, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–416]

PART 234—FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS: REALISTIC SCHEDULING REQUIRED

Reporting of Schedule Arrival Performance

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of September 1964.

Notice was issued by the Civil Aeronautics Board in Docket 14433 (EDR–54, PSDR–6) and published at 28 F.R. 3700, proposing amendments to Part 234 of the Economic Regulations in respect to the requirement for reporting on-time performance by air carriers on flights between certain pairs of points. In the same notice the Board announced that it was considering the issuance of a statement of policy that it would regard ad-

vertising of schedule performance which failed to disclose certain specified information as an unfair or deceptive practice or an unfair method of competition. The policy statement is being adopted without change simultaneously herewith.

In the comments submitted in response to our notice the question was raised whether there is a need for any on-time reporting. We considered this question in 1959 when the reporting requirement was adopted, in 1961 when it was revised and we have considered it again in this proceeding. Once more we find that the reports are useful and that their continued use is in the interest of the public. We note that only two carriers expressed doubt in this proceeding as to the desirability of some form of on-time reporting requirement. Since the introduction of the reporting system there has been a measurable improvement in the on-time performance of the trunk carriers. The data submitted by the carriers on Form 438 show a steady improvement in the on-time performance of the carriers since 1959 when the reporting began. In 1959 67.8 percent of the completed flights were on time or within 15 minutes thereof. In 1960 this rose to 71.4 percent and in 1961 it went to 74.4 percent. In 1963, 81.4 percent of the completed flights were on time or within 15 minutes thereof. While the 1963 figure is not directly comparable with earlier results, it is, if anything, depressed in relation to the earlier figures by the different reporting samples used. The 1963 figure is also more representative because it accounted for a significantly larger percentage of each carrier's total flights than the 1959–61 figure.

While many things necessarily contributed to the progress evidenced by the above figures, including continued improvement by management and its employees in scheduling techniques and operating and maintenance skills, better aircraft and navigation equipment, and better airports and air traffic control facilities, we feel that these results are also attributable in some measure to the on-time reporting requirement. We believe that the public availability of performance records has provided a strong inducement to the carriers to publish schedules which they can meet and to meet the schedules they publish. By providing an objective measure of on-time performance we believe that these figures have promoted healthy competition among the carriers in providing a service feature which we consider to be truly beneficial to the public. As we intended, the carriers have made use of the on-time performance figures in their advertising. The reports have also furnished the Board data against which to check passenger complaints. In this conection, fully one-third of the complaints by the public to the Board relate to schedule performance. We have concluded therefore that the reporting requirement should be continued.

In the notice of rule making we proposed, in essence, four changes in the reporting system established under § 234.8. The proposed changes and the disposition thereof are as follows: First, we propose that instead of requiring the carriers to determine the top-ranking reportable pairs of points from the Origin-Destination Survey of Airline Passenger Traffic the Board would prepare a special list of such points and distribute it to the carriers. This procedure is adopted in the rule.

Second, it was proposed in the notice of rule making that a new column be added to CAB Form 438 headed "Route not as Scheduled" in which carriers would report the number of times the scheduled flight was operated differently from the scheduled routing. A number of carriers objected to this proposal in general contending that deviations such as failure to operate the aircraft over the normal airway are of no real significance to the average passenger and that what interests him is whether the flight is cancelled, on time or late. We agree, and since these factors are all covered in other columns of Form 438, we will not insert the proposed column in the form.

Third, it was proposed in the notice to reduce the present four-column breakdown of arrival times (0 to 5 minutes late, 5 to 15 minutes late, 15 to 30 minutes late, and over 30 minutes late) to two categories, "On-time or within 15 minutes thereof" or "Over 15 minutes late." For the reasons given in the notice we are adopting the change proposed therein. The change does not mean that the Board in any way condones operations or schedules which result in a large number of flights arriving up to 15 minutes late.

Fourth, we had proposed the addition of four new columns to the reporting form in which the carriers would show the reasons for late arrivals ("weather", "air traffic control", "mechanical", "other"). All but two of the carriers commenting objected to these columns. It was contended that assigning one of these reasons for each flight would be a burden on pilots, that it would be unrealistic, since delays are frequently a compound of contributing causes, including delays on previous flight segments, and that special studies in depth by the carriers in cooperation with FAA are the most effective means of determining the basic causes of delays. We find merit in these contentions and will not add columns to Form 438 requiring carriers to show the reasons for lateness.

The contention was made by some of those commenting that the top traffic pairs represents an inadequate sampling system and results in substantial disparity in the proportion of departures reported on by the various carriers. We considered these comments. However, the scope of this proceeding was not such as to elicit adequate comments from the carriers on this point and for the present at least we will adhere to the existing sampling system.

We considered a number of other changes in the reporting requirement suggested by the carriers and did not find that their adoption would be in the interest of the public.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 234 of the Economic Regulations (14 CFR Part 234), effective December 1, 1964, by amending § 234.8 to read as follows:

§ 234.8 Reporting of schedule arrival performance.

(a) Each certificated route air carrier scheduling nonstop passenger flights between any of the 100 top-ranking pairs of points in terms of revenue-passenger volume as prescribed in paragraph (b) of this section, and between the States of Hawaii or Alaska on the one hand and points in the 48 contiguous States, on the other hand, with a passenger volume greater than the 100th ranked pair in such list, shall, with respect to any such flights for each month, file in duplicate with the Board a "Monthly Report of Schedule Arrival Performance on Designated Passenger Flights", CAB Form 438 (Rev. 12–64):[1] *Provided,* That such report shall not be required with respect to flights between any pair of points which are less than 200 miles apart. The same information may be submitted on any comparable form prepared on automatic data processing equipment. Such substitute form shall be subject to Board approval and shall also be submitted in duplicate and contain the same column headings arranged in the same sequence as CAB Form 438. During any period that a carrier's obligation to provide service between a pair of points is suspended by the Board, the report need not be filed for such pair of points. The report shall be filed within 45 days of the end of the month which it covers and shall be certified to be correct by a responsible officer of the reporting carrier.

(b) The pairs of points on which reports are to be filed are shown in the "List of City Pairs for Use in Reporting on CAB Form 438" issued by the Board. The list is compiled from the current issues of the Board's Domestic Origin-Destination Survey of Airline Passenger Traffic and International Origin-Destination Survey of U.S. Flag Airline Passenger Traffic. Whenever the Survey shows a change in the 100 top-ranking pairs the Board will issue a revised reporting list indicating the date on which it is to become effective.

(c) The reports required under this section shall contain the following information:

(1) The airport-to-airport codes;

(2) The flight identification number;

(3) The number of times each flight was scheduled under such flight identification number;

(4) The number of such flights cancelled;

(5) The number of time each scheduled flight arrived at destination on time or within 15 minutes thereof;

(6) The number of times each scheduled flight arrived at destination over 15 minutes late;

(7) The total number of scheduled flights performed.

(d) Each certificated air carrier scheduling passenger flights which are

[1] CAB Form 438 (Rev. 12–64) is filed as part of the original document and can be obtained from the Publications Section, Civil Aeronautics Board, Washington, D.C., 20428.

within the purview of this section shall establish all records needed in order to accomplish full compliance with the reporting requirements hereof and shall preserve such records in accordance with the provisions of § 249.13(f) and Schedule of Records, category 301 of Part 249 of this subchapter.

(Secs. 102(d), 204(a), 404(a), 405(b) and 407(a) of the Federal Aviation Act of 1958, 72 Stat. 740, 743, 760 and 766; 49 U.S.C. 1302, 1324, 1374, 1375 and 1377 and Section 3 of the Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1002)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.[2]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-11032; Filed, Oct. 28, 1964; 8:49 a.m.]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. No. PS-25]

PART 399—STATEMENTS OF GENERAL POLICY

Deceptive Practices in Advertising of Schedule Performance

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of September 1964.

Notice was issued by the Civil Aeronautics Board in Docket 14433 (EDR-54, PSDR-6) and published at 28 F.R. 3700, announcing that the Board was considering the issuance of a statement of policy that it would regard advertising of schedule performance which failed to disclose certain specified information as an unfair or deceptive practice or an unfair method of competition. In the same notice the Board also proposed several related changes in the on-time reporting provisions of Part 234 of the Economic Regulations.

A number of comments were received on the proposed amendments to Part 234. These are discussed in the preamble to Amendment of Part 234 (ER-416) adopted simultaneously herewith. None of those commenting expressed opposition to the proposed Policy Statement, although one carrier urged abandonment and another urged reconsideration of the need for the on-time reporting system to which the policy is related. For the reasons stated in ER-416, we will retain the reporting system and on the basis of the considerations stated in the notice of rule making we will adopt the proposed Statement of Policy without substantive change.

Accordingly, the Board hereby amends Part 399—Statements of General Policy (14 CFR Part 399) by adding a new § 399.81, effective December 1, 1964, to read as follows:

[2] Dissenting opinion of members Gurney and Gillilland filed as part of original document.

§ 399.81 Deceptive practices in advertising of schedule performance.

With respect to the advertising of schedule performance, it is the policy of the Board to regard as an unfair or deceptive practice or an unfair method of competition the use of any figures purporting to reflect schedule or on-time performance without indicating the basis of the calculation, the time period involved, and the pairs of points or the percentage of system-wide operations thereby represented and whether the figures include all scheduled flights or only scheduled flights actually performed.

(Secs. 102(d), 204(a), 404(a), 405(b), 407(a), and 411 of the Federal Aviation Act of 1958, 72 Stat. 740, 743, 760, 766 and 769; 49 U.S.C. 1302, 1324, 1374, 1375, 1377 and 1381 and sec. 3 of the Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1002)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-11033; Filed, Oct. 28, 1964; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-848]

PART 13—PROHIBITED TRADE PRACTICES

Butterfield Golf Co., Inc., and John H. Keller

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Butterfield Golf Company, Inc., et al., Lisle, Ill., Docket C-848, Oct. 9, 1964]

In the Matter of Butterfield Golf Company, Inc., a Corporation, John H. Keller, Individually and as an Officer of Said Corporation

Consent order requiring a concern in Lisle, Ill., engaged in repainting and labeling used golf balls, and in the purchase of golf balls recovered or reconstructed by others which they then painted and labeled, to cease selling such golf balls with no disclosure on the balls or their wrappers or containers of the fact that they were rebuilt or reconstructed.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Butterfield Golf Company, Inc., a corporation, and its officers, and John H. Keller, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of washed, repainted, re-covered, rebuilt or reconstructed golf balls in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to clearly and conspicuously disclose on the bags or boxes in which respondents' washed, repainted, re-covered, rebuilt or reconstructed golf balls are packaged, on the wrapper and on said golf balls themselves, that they are previously used balls which have been washed, repainted, re-covered, rebuilt or reconstructed. *Provided, however,* That disclosure need not be made on the golf balls themselves if respondents establish that the disclosure on the bags, wrappers and/or boxes is such that retail customers, at the point of sale, are informed that the golf balls are previously used and have been washed, repainted, re-covered, rebuilt or reconstructed.

2. Placing any means or instrumentality in the hands of others whereby they may mislead the public as to the prior use and washed, repainted, re-covered, rebuilt or reconstructed nature and construction of their golf balls.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 9, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10988; Filed, Oct. 28, 1964; 8:45 a.m.]

[Docket No. 8621]

PART 13—PROHIBITED TRADE PRACTICES

E. W. Sederstrom and Dakota Seed & Grain Company

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* § 13.1490 *Nature;* § 13.1515 *Organization and operation.* Misrepresenting oneself and goods—Goods: § 13.1663 *Individual's special selection or situation;* § 13.1697 *Opportunities in product or service:* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, E. W. Sederstrom trading as Dakota Seed & Grain Company, Sioux Falls, S. Dak., Docket 8621, Oct. 8, 1964]

In the Matter of E. W. Sederstrom, an Individual Trading and Doing Business as Dakota Seed & Grain Company

Order requiring an individual engaged in Sioux Falls, S. Dak., in selling seeds

and grain to the public, to cease representing falsely, through his agents soliciting the purchase of his products, that he was establishing a malting barley production program and would purchase at premium prices, his customers' harvest from seeds sold by him, that his customers were specially selected, that his quality standards were adequate to satisfy those of the malting barley market and could be easily met, and that his connections with users of malting barley assured a ready market.

The order to cease and desist is as follows:

It is ordered, That respondent, E. W. Sederstrom, an individual trading as Dakota Seed & Grain Company, or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of seeds, grain or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that:

(a) Respondent is establishing, sponsoring or maintaining a program for the production or marketing of seed, grain or other products for customer participation, or misrepresenting in any other manner the nature of respondent's business.

(b) Respondent will purchase or is contractually bound to purchase all or part of the harvest or increase grown, raised or produced by his customers from products sold by respondent, or misrepresenting in any manner the obligations incurred by respondent under his contracts with purchasers.

(c) Prospective customers are specially selected.

2. Misrepresenting in any manner:

(a) The quality standards established by users of seed, grain or other products.

(b) The ease by which growers may produce products which will meet the quality standards of the brewery or other users of seed, grain or other products.

(c) The opportunities afforded or available to customers to market their products.

By "Final Order", further order requiring report of compliance is as follows:

It is further ordered, That E. W. Sederstrom, an individual trading and doing business as Dakota Seed & Grain Company, shall, within sixty (60) days after service of this order upon him, file with the Commission a report in writing, setting forth in detail the manner and form of his compliance with the order to cease and desist.

Issued: October 8, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10989; Filed, Oct. 28, 1964; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4727, 34-7433, 35-15134, 40-4057, A-100]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Life Insurance Companies

The Securities and Exchange Commission today adopted an amendment to Regulation S-X (17 CFR Part 210) consisting of a new Article 7A (17 CFR 210.7a-01 to 210.7a-06) and also adopted new Rule 12-31 (17 CFR 210.12-31), to govern the form and content of financial statements and related schedules filed by life insurance companies.

The financial statements, schedules and special notes are based on information either in the annual statements filed by life insurance companies with state regulatory authorities or otherwise readily available.

Specific regulations for life insurance companies are deemed necessary because of the increasing number of life insurance companies filing financial statements with the Commission in registration statements and annual reports in order to provide for reasonable uniformity in financial reporting. The amendments are based on experience gained from the examination of financial statements and schedules filed with the Commission, on comments received from interested persons as a result of notice to adopt these amendments, and on discussions with representatives of industry associations, state regulatory authorities, and public accountants. Notice of the proposal to adopt these rules was published on August 25, 1962 at 27 F.R. 8553.

The amendment is attached except that the schedules referred to in Rule 7A-06 (17 CFR 210.7a-06) and other rules of Regulations S-X (17 CFR Part 210) which are unchanged are omitted.

This action is taken pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10, and 19(a) thereof; the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d), and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14, and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 8, 30, 31(c), and 38(a) thereof.

Commission's action. Part 210 of Title 17, Chapter II of the Code of Federal Regulations is amended by adding new §§ 210.7a-01 to 210.7a-06 to read as follows:

LIFE INSURANCE COMPANIES

§ 210.7a-01 Application of §§ 210.7a-01 to 210.7a-06.

Sections 210.7a-01 to 210.7a-06 shall be applicable to financial statements filed for life insurance companies.

§ 210.7a-02 General requirements.

Except as otherwise provided in §§ 210.7a-01 to 210.7a-06, persons subject to §§ 210.7a-01 to 210.7a-06 shall follow the rules and instructions governing the definition and computation of items in annual statements to their State regulatory authority. If the registrant deviates from such rules and instructions of its State regulatory authority, except in accordance with the provisions of §§ 210.7a-01 to 210.7a-06, the reason for and effect of such deviation shall be stated.

§ 210.7a-03 Balance sheets.

(a) Balance sheets filed for life insurance companies shall comply with the following provisions:

ADMITTED ASSETS

1. *Bonds.*

2. *Investments in stocks other than stocks of affiliates.* State separately (i) preferred stocks and (ii) common stocks.

3. *Investments in stocks of affiliates.*

(i) *In insurance companies.* Include under this subcaption only stocks of insurance companies.

(ii) *In other affiliates.* Include under this subcaption stocks of other affiliates. If any such "other affiliate" controls insurance companies the stock of such "other affiliate" shall be included under this subcaption, and the fact of such control shall be stated in a note to the balance sheet.

4. *Mortgage loans on real estate.* State separately (i) first liens and (ii) other than first liens.

5. *Real estate.* State separately if material (i) property occupied by the company; (ii) property acquired by foreclosure; and (iii) investment property. The amount of encumbrances deducted shall be stated parenthetically.

6. *Policy loans.*

7. *Cash and bank deposits.*

8. *Premiums and other considerations deferred and uncollected.*

9. *Investment income due and accrued.*

10. *Other assets.* State separately any significant items.

LIABILITIES, CAPITAL SHARES AND SURPLUS

11. *Aggregate reserves for all policies.* State separately reserves for (i) life insurance; (ii) accident and health insurance; (iii) supplementary contracts without life contingencies; and (iv) policyholders' dividend accumulations.

12. *Policy and contract claims.*

13. *Other policyholders' funds.* Include premiums paid in advance, premium deposit funds, and dividends to policyholders declared and unpaid and estimated amounts provided for payment in the following year. State separately any material amounts.

14. *Dividends to stockholders declared and unpaid.*

15. *Borrowed money.* State here or in a note as to each loan (i) from whom borrowed; (ii) date of loan; (iii) repayment terms and other conditions governing each loan; (iv) due date; (v) extensions granted; (vi) original amount; and (vii) interest rate.

16. *Other liabilities.* State separately any significant items.

17. *Commitments and contingent liabilities.* See §§ 210.3–18, 210.3–19(g) and 210.7a–05 caption 3.

18. *Mandatory securities valuation reserve.* See § 210.7a–05 caption 2(iv).

19. *Capital shares.* State for each class of shares the title of issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof, and, if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued and of subscriptions receivable thereon.

20. *Surplus.* (i) Separate captions shall be shown for (*a*) paid-in surplus (*b*) surplus arising from revaluation of assets, (*c*) other capital surplus, and (*d*) earned surplus (*1*) appropriated and (*2*) unappropriated, plus, appropriated, all special surplus funds. That portion of the surplus allocable to participating policies should be included in caption 21 below.

(ii) If undistributed earnings of subsidiaries are included, state the amount thereof parenthetically or otherwise.

(iii) An analysis of each surplus account setting forth the information prescribed in § 210.11–02 shall be given for each period for which a profit and loss statement is filed, as a continuation of the related profit and loss statement or in the form of a separate statement of surplus, and shall be referred to here. In this statement caption 3, *Other additions to surplus,* shall be subdivided to show (*a*) unrealized gain on bonds and stocks from change in admitted assets values; (*b*) unrealized gain on other investments from change in admitted asset values; (*c*) realized gain on investments; and (*d*) all others, designating clearly the nature thereof. Likewise, caption 4, *Deductions from surplus other than dividends,* shall be subdivided to show (*a*) unrealized loss on bonds and stocks from change in admitted asset values; (*b*) unrealized loss on other investments from change in admitted asset values; (*c*) realized loss on investments; and (*d*) all others, designating clearly the nature thereof.

(iv) If separate balances are not shown in the accounts for the divisions of surplus in (i) above other than for earned surplus appropriated, i.e., if the company has not, up to the opening of the period of report, differentiated in its accounting for surplus as indicated, then the unsegregated surplus may be stated in one amount, and, in lieu of such segregation, there shall be given as a note an analysis of surplus since organization. Such analysis shall show (*a*) total net income after income taxes; (*b*) aggregate dividends paid (*1*) in cash and (*2*) in capital stock; (*c*) total paid-in surplus; (*d*) realized gain or loss on investments; (*e*) unrealized gain or loss from change in admitted asset values; (*f*) increase in reserves on account of change in valuation basis; (*g*) non-admitted assets; and (*h*) other additions or deductions of material amount, indicating clearly the nature of the item.

21. *Surplus allocable to participating policies.* State the amount of surplus required to be allocated to participating policies and not available for dividends to stockholders.

§ 210.7a–04 Profit and loss or income statements (summary of operations).

(a) Profit and loss or income statements (summary of operations) filed for life insurance companies shall comply with the following provisions:

1. *Premiums and other considerations.* State separately the amount arising from (i) life insurance; (ii) accident and health insurance; and (iii) considerations for supplementary contracts.

2. *Investment income.*

(i) *Investment income.*

(*a*) *Interest on bonds.*

(*b*) *Dividends.* State separately dividends from (*1*) unaffiliated companies and (*2*) affiliated companies.

(*c*) *Interest on mortgage loans.*

(*d*) *Real estate income.*

(*e*) *Interest on policy loans.*

(*f*) *Other investment income.* State separately any material amounts.

(*g*) *Total investment income.*

(ii) *Investment expense.* Include investment expense, investment taxes, and depreciation on real estate. State separately any material amounts.

(iii) *Net investment income.*

3. *Other income.* State separately any significant items.

4. *Total.*

5. *Death and other benefits.*

6. *Increase in aggregate reserves for all policies.*

7. *Total.*

8. *Balance.*

9. *Commissions.*

10. *General insurance expenses.* Amounts allocable to investment expense shall be excluded from this caption and captions 11 and 12 below.

11. *Insurance taxes, licenses and fees.* Income taxes shall not be included under this caption.

12. *Other insurance expense.*

13. *Increase in loading on and cost of collection on deferred and uncollected premiums.*

14. *Total income and profit and loss from insurance and investment.*

15. *Dividends to policyholders.*

16. *Net income or loss before provision for income taxes.*

17. *Provision for income taxes.* State separately (i) Federal normal income tax and surtax and (ii) other income taxes. Amounts allocable to realized gain or loss on investments shall be excluded from this caption and reported as deductions or additions to the related captions on the analysis of surplus.

18. *Net income or loss (net gain from operations).* State here or in a note the amount of net income allocated to participating policies.

§ 210.7a–05 Special notes to financial statements.

1. Assets shall be set forth in the balance sheet at admitted asset values. Book values of assets included under captions 1, 2, 3(i), 3(ii), 4, 5, and 6 of § 210.7a–03 shall be shown parenthetically or in a note.

The total amount of non-admitted assets shall be stated in a note, and if such amount exceeds one percent of the total admitted assets then a separate statement shall be presented showing the details of such assets. State in a note or otherwise the amount of assets charged to income or surplus immediately upon acquisition during the period if significant.

There shall also be added as a note to the financial statements the following:

"The term 'admitted assets' means the assets stated at values at which they are permitted to be reported to the respective domiciliary State regulatory authority for balance sheet purposes in the annual report in accordance with the rules and regulations of such regulatory authority."

"The term 'non-admitted assets' means assets other than assets which are so permitted to be reported."

2. State in notes or otherwise:

(i) The general policy of the company in determining dividends and profits allocable to participating policies.

(ii) The amount of surplus not available for payment of dividends to stockholders. See § 210.3–19(*f*).

(iii) The addition to the "policyholders surplus account" (under the sections of the Internal Revenue Code applicable to life insurance companies on which payment of income taxes has been deferred) for each period for which a profit and loss statement is filed and the total thereof accumulated as of the date of the most recent balance sheet filed. The income taxes, at current rates, which would become payable on these amounts upon distribution thereof to shareholders shall also be stated.

(iv) The amount of income tax which would accrue if the unrealized gain from change in admitted asset value of investments were realized by sale or maturity.

3. State in a note the names of mortality tables and rates of interest most generally used in calculating reserves and whether the net level premium or a modified reserve valuation method is used. Explain the policy with regard to reinsurance and the amount of such reinsurance.

§ 210.7a–06 What schedules are to be filed.

(a) Except as expressly provided otherwise in the applicable form:

(1) The schedules specified below in this section as Schedules I, II, III, IV, V, VI, VIII, and IX shall be filed as of the date of the most recent balance sheet filed for each person or group. Such schedules shall be certified if the related balance sheet is certified.

(2) All other schedules specified below in this rule shall be filed for each period for which a profit and loss statement is filed. Such schedules shall be certified if the related profit and loss statement is certified.

(b) Reference to the schedules shall be made against the appropriate captions of the balance sheet and the profit and loss statement.

(c) If the information required by any schedule (including the footnotes thereto) may be shown in the related balance sheet or profit and loss statement without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

Schedule I—Bonds. The schedule prescribed by § 210.12–23 shall be filed in support of caption 1 (§ 210.7a–03) of each balance sheet.

Schedule II — Stocks — Other than stocks of affiliates. The schedule prescribed by § 210.12–24 shall be filed in support of caption 2 (§ 210.7a–03) of each balance sheet.

Schedule III—Mortgage loans on real estate. The schedule prescribed by § 210.12–25 shall be filed in support of caption 4 (§ 210.7a–03) of each balance sheet.

Schedule IV—Real Estate. The schedule prescribed by § 210.12–26 shall be filed in support of caption 5 (§ 210.7a–03) of each balance sheet.

Schedule V—Summary of investments in securities—Other than securities of affiliates. The summary schedule prescribed by § 210.12–27 shall be filed in conjunction with Schedules I and II.

Schedule VI—Investments in stocks of affiliates. The schedule prescribed by § 210.12–28 shall be filed in support of caption 3 (§ 210.7a–03) of each balance sheet.

Schedule VII—Policy reserves, benefits, and insurance in force. The schedule prescribed by § 210.12–31 shall be filed in support of caption 11 (§ 210.7a–03) of each balance sheet and captions 5 and 6 of each profit and loss statement (§ 210.7a–04). The schedule prescribed by § 210.12–29 shall be used insofar as it may more appropriately present those

reserves of accident and health business which are based on unearned premiums and the related benefits paid.

Schedule VIII—Capital shares. The schedule prescribed by § 210.12–24 shall be filed in support of caption 19 (§ 210.7a–03) of each balance sheet.

Schedule IX—Other securities. If there are any classes of securities not included in Schedule VIII, set forth in this schedule information concerning such securities corresponding to that required for the securities in such schedule. If the securities required to be reported on the schedules prescribed by §§ 210.12–10, 210.12–12, or 210.12–15 are present, those schedules should be used. Information need not be set forth, however, as to notes, drafts, bills of exchange or bankers' acceptances having a maturity at the time of issuance of not exceeding one year.

Schedule X—Income from dividends—Equity in net profit and loss of affiliates. The schedule prescribed by § 210.12–17 shall be filed in support of caption 2(i)(b)(2) of each profit and loss statement (§ 210.7a–04).

Schedule XI—Summary of realized gains or losses on sale or maturity of investments. The schedule prescribed by § 210.12–30 shall be filed in support of the related amount shown on each analysis of surplus required under caption 20(iii) of each balance sheet (§ 210.7a–03).

Part 210 of Title 17, Chapter II of the Code of Federal Regulations is amended by adding new § 210.12–31 to read as follows:

§ 210.12–31 Policy reserves, benefits, and insurance in force.[1]

FOR LIFE INSURANCE COMPANIES

(a) Policy Reserves:			
1. Additions			$----
(i) Tabular net premiums and other considerations			----
(ii) Tabular interest			----
(iii) Other [2]			----
2. Deductions			$----
(i) Tabular cost		----	
(ii) Reserves released		----	
(iii) Annuity, supplementary contract and other payments		----	
(iv) Other [2]		----	----
3. Increases in policy reserves			----
4. Policy reserves at beginning of period			----
5. Policy reserves at end of period			----
(b) Death and other benefits			$----
(c) Insurance in force			----

[1] This schedule shall be prepared from and be in substantially the same form as the analysis of increase in reserves during the year (gain and loss exhibit) of the annual statement filed with the respective domiciliary State regulatory authority. If the company writes more than one line of business, e.g., industrial, ordinary, group life insurance, the schedule shall show in columnar form the changes in the policy reserves and the amounts of benefits and insurance in force allocable to each line of business. In lieu of this schedule there may be filed the aforementioned analysis of increase in reserves during the year (gain and loss exhibit) of the annual statement filed with the respective domiciliary State regulatory authority together with the information required regarding death and other benefits and insurance in force.

[2] State separately any significant items.

Effective date. The amendment shall be effective with respect to financial statements for any fiscal year ending on or after December 31, 1964, filed as a part of any registration statement, application for registration or report. However, if a registrant so elects, the revised articles may be applied to financial statements filed prior to that date.

(Secs. 6 & 7, 48 Stat. 75, 15 U.S.C. 77f & g; sec. 8, 48 Stat. 79, 15 U.S.C. 77h; sec. 10, 48 Stat. 81, sec. 205, 48 Stat. 906, sec. 8, 68 Stat. 685, 15 U.S.C. 77j; sec. 19, 48 Stat. 85, sec. 209, 48 Stat. 908, 15 U.S.C. 77s; sec. 12, 48 Stat. 392, sec. 1, 49 Stat. 1375, 15 U.S.C. 78l; sec. 13, 48 Stat. 894, 15 U.S.C. 78m; sec. 15, 48 Stat. 895, sec. 3, 49 Stat. 1377, 15 U.S.C. 78o; sec. 23, 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w; sec. 5, 49 Stat. 812, 15 U.S.C. 79e; sec. 14, 49 Stat. 827, 15 U.S.C. 79n; sec. 20, 49 Stat. 833, 15 U.S.C. 79t; sec. 8, 54 Stat. 803, 15 U.S.C. 80a–8; sec. 30, 54 Stat. 836, 15 U.S.C. 80a–29; sec. 31, 54 Stat. 838, 15 U.S.C. 80a–30; sec. 38, 54 Stat. 841, 15 U.S.C. 80a–37)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 6, 1964.

[F.R. Doc. 64–10991; Filed, Oct. 28, 1964; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–254; Order No. 285–A]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Abbreviated Applications

OCTOBER 21, 1964.

Natural Gas Pipeline Company of America (Natural) and Northern Illinois Gas Company (Northern Illinois) filed Motions for Reconsideration of Order No. 285 (29 F.R. 11749), issued August 12, 1964, amending § 157.7 of the regulations under the Natural Gas Act. By that order we permitted the filing of budget-type applications for certification of gas sales facilities and for facilities for the testing and development of gas storage reservoirs.

Both Natural and Northern Illinois request deletion of the provision of § 157.7(c)(1)(i) of the regulations prohibiting the filing of a budget-type application to serve a distributor presently served, or proposed to be served, by more than one natural gas company. In situations where more than one natural gas company serves a distributor there is a distinct possibility that the other natural gas companies will desire to intervene in expansion applications of their competitors in order to protect a competitive position. Accordingly, we will continue to exclude this type of expansion from budget-type applications.

Natural and Northern Illinois request that budget-type applications be permitted for service to distributors in communities not having natural gas service. They observe that we denied similar requests in Order No. 285 for the reason that there existed a possibility of controversy between distributors proposing new service, but they contend that our requirement that the distributors have all requisite local and state authorization eliminates that possibility. However, we have been confronted three times in recent years with situations in which two distributors claimed to have requisite local authorization to serve the same community.[1] Furthermore competing fuel interests, by the action proposed, would be precluded from the opportunity to present their positions in such a case. Accordingly, we will not expand § 157.7(c)(1)(i) to include service to distributors in communities not being served.

Northern Illinois requests modification of § 157.7(c)(2) which limits budget-type authorization to deliveries to any one distributor or consumer to a maximum of 100,000 Mcf annually and which prohibits boiler fuel use of the gas so delivered. Northern Illinois suggests that these restrictions should carry a limitation for the first three years of the gas sales facilities, contending that it is unreasonable to impose such restrictions without time limit. These restrictions only apply to budget-type applications and will be retained. Whenever a natural gas company desires to avoid these restrictions it can file a separate application for the specific service not permitted under these limitations of budget-type applications.

Natural requests amendment of § 157.7(d)(4) which provides for the filing of budget-type applications requesting authorization of the construction and operation of pipeline and compression facilities for the testing and development of underground storage reservoirs for a three year period. That section limits budget-type applications to total expenditures of $3,000,000 over the three year period and $1,000,000 for any one year. Natural suggests that the three year period be expanded to four years and that the dollar limits be raised to $6,000,000 over the four year period and $2,000,000 for any one year. We do not agree that the time limit should be extended but, upon reconsideration, we do see the advisability of permitting, in given instances, the expenditure of somewhat greater amounts than have been specifically set forth in this section. Accordingly § 157.7(d)(4) will be amended to permit the filing of budget-type applications proposing construction in excess of the dollar limits previously prescribed when accompanied by a request for waiver of that limitation.

Upon consideration of the Motions for Reconsideration, the Commission further finds:

(1) Adoption of the amendment to the Regulations Under the Natural Gas Act contained in paragraph (A) below is nec-

[1] Northern Natural Gas Co., Opinion No. 324, 22 FPC 164; American Louisiana Pipe Line Co., et al., 28 FPC 41; Coastal Transmission Corp., et al., 28 FPC 685.

essary and appropriate to the administration of the Natural Gas Act.

(2) Good cause exists for the adoption herein of the amendment to § 157.7 embodied in the new paragraph (d)(4)(ii) thereof without giving the prior notice provided for by § 4 of the Administrative Procedure Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 7, 15, and 16 thereof (52 Stat. 824, 829, 830; 56 Stat. 83, 84; 15 U.S.C. 717f, 717n, 717o), orders:

(A) Subparagraph (4) of § 157.7(d), Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, as prescribed by Order No. 285 (32 FPC __, 29 F.R. 11749), is amended by designating the present text thereof as (4)(i) and adding a new subdivision (ii) to read as follows:

§ 157.7 Abbreviated applications.

* * * * *

(d) *Underground gas storage facilities—budget-type application.* * * *

(4)(i) * * *

(ii) Any application proposing the construction of facilities having an estimated cost in excess of the amounts specified in subdivision (i) of this subparagraph shall be accompanied by a request for waiver of the provisions of such subdivision and will be granted only for good cause shown.

(B) The amendment adopted herein shall become effective on the date of issuance of this order.

(C) To the extent not granted above the Motions for Reconsideration are denied.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10992; Filed, Oct. 28, 1964; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 11—U.S. Coast Guard

[CGFR 64-56]

PART 11-10—BONDS AND INSURANCE

Pursuant to authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530), Part 11-10 of 41 CFR is established under authority of 14 U.S.C. 633 and 10 U.S.C. Ch. 137.

Subpart 11-10.1—Bonds

Sec.
11-10.109 Execution and administration of bonds.

Subpart 11-10.2—Sureties on Bonds

11-10.204-1 United States bonds or notes.
11-10.204-2 Certified or cashier's checks, bank drafts, money orders, currency, or irrevocable letters of credit.

Subpart 11-10.4—Insurance Under Fixed-Price Contracts

Sec.
11-10.450 Work at a Government installation.

AUTHORITY: 14 U.S.C. 633 and 10 U.S.C. Ch. 137.

Subpart 11-10.1—Bonds

§ 11-10.109 Execution and administration of bonds.

(a) *Review by contracting officer.* Where bonds are required in support of a contract, the contracting officer shall ascertain that the bond tendered is in the penal sum required and that it properly describes the contract in support of which is was given.

(b) *Approval.* (1) The original bonds together with a copy of the contract will be forwarded for review and approval by legal counsel assigned to the nearest geographically located Coast Guard unit.

(2) Legal review will consist of an examination of bonds as to form, the sufficiency of surety, and the authority of the agent executing the bond. Bonds will be returned to the office requesting approval, bonds not approved will set forth the reason(s) for disapproval.

(3) Treasury Department Circular No. 570 entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" is published annually as of June 1 by the Treasury Department. Interim changes in the circular are published in the FEDERAL REGISTER as they occur. This circular will be utilized to determine authorized surety companies, their underwriting limitations, geographical limitations, if any, and other pertinent information.

(c) *Recording and filing.* Bonds shall be filed with the related original contract or the contract file shall be cross-referenced to the file containing the applicable bonds. Bonds returned to unsuccessful bidders or upon completion of bond requirements will be appropriately recorded on the Abstract of Bids or retained bid file to indicate disposition made of such bonds.

Subpart 11-10.2—Sureties on Bonds

§ 11-10.204-1 United States bonds or notes.

(a) *Bid bond.* Except as provided in § 1-10.204-1, contracting officers may hold bonds and notes received as surety on bid bonds, pending award of contract and receipt of performance and payment bonds. Bonds and notes of unsuccessful bidders will be returned personally to the bidder's representative (receipt required) or via registered mail (return receipt requested). Bonds and notes held by the contracting officer will be retained in secure storage, i.e., fireproof, combination locked safe.

(b) *Performance and payment bonds.* United States bonds or notes furnished as surety on performance and payment bonds shall be deposited with the Treasurer of the United States, a Federal Reserve bank or any branch Federal Reserve bank having the requisite facilities or other depository designated for that purpose by the Secretary of the Treasury for safekeeping. When the contractor's bonding obligation has ceased, the bonds and/or notes together with the power of attorney and agreement accompanying such bonds and notes shall be returned to the contractor by the contracting officer. Transmittal of bonds or notes to or from contractors or depositories shall be via hand-to-hand delivery (receipt required) or registered mail (return receipt requested).

§ 11-10.204-2 Certified or cashier's checks, bank drafts, money orders, currency, or irrevocable letters of credit.

(a) *Bid bonds.* Currency or other negotiable security received as collateral on bid bonds may be returned in the form received to unsuccessful bidders or deposited with the collection clerk for refund on SF-1047. Refunds will be made as soon as practicable to all known unsuccessful bidders and to all other unsuccessful bidders on award of contract. Refund to the successful bidder(s) will not be made until required performance and payment bonds have been received and approved. A collection receipt describing the deposit will be furnished by the collection clerk to the contractor for all deposits which are not immediately refundable.

(b) *Performance and payment bonds.* Currency or other negotiable collateral received for surety on performance and payment bonds will be deposited with the collection clerk in the suspense account. A collection receipt fully describing the purpose of the deposit shall be furnished the contractor by the collection clerk. When the contractor's bonding obligation has ceased, the contracting officer shall initiate action for the refund of deposit to the contractor.

Subpart 11-10.4—Insurance Under Fixed-Price Contracts

§ 11-10.450 Work at a Government installation.

(a) Any contract requiring performance of construction, repair or utilities work on a Government installation shall require that any contractor or subcontractor doing such work furnish a statement in writing to the contracting officer attesting to the existence, in addition to legally required insurance, of comprehensive general liability and automobile insurance in each instance for both bodily injury and property damage in such limits as contracting officer deems reasonable under the circumstances. The solicitation shall state the minimum insurance coverage required.

(b) Contractors and subcontractors may submit annual statements in compliance with the foregoing requirements, which statements shall be accepted in satisfaction thereof to the extent of the insurance coverage so reported.

(c) The foregoing requirements are not applicable to contracts of less than $2,500 or for work to be performed outside the United States, its possessions, and Puerto Rico.

Dated: October 21, 1964.

[SEAL] W. D. SHIELDS, *Vice Admiral, U.S. Coast Guard, Acting Commandant.*

[F.R. Doc. 64-11022; Filed, Oct. 28, 1964; 8:48 a.m.]

Subtitle C—Federal Property Management Regulations System

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101–38—MOTOR EQUIPMENT MANAGEMENT

Chapter 101 of Title 41 of the Code of Federal Regulations is amended by the addition of Parts 101–26 and 101–38. The following material represents the second portion of the Federal Property Management Regulations published in the FEDERAL REGISTER (see 29 F.R. 13255, September 24, 1964). It is a conversion of existing policies and procedures concerning management of Government-owned motor vehicles and sources of procurement by other than contract means.

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Sec.

AUTHORITY: The provisions of this Part 101–26 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101–26.000 Scope of part.

This part sets forth policies and procedures regarding the procurement of personal property and nonpersonal services from or through Federal agencies and from non-Federal agencies established as sources of supply.

Subpart 101–26.1—[Reserved]

No. 212——3

Subpart 101–26.2—Federal Requisitioning System

§ 101–26.200 Scope of subpart.

This subpart prescribes a uniform requisitioning and issue system to be used in the acquisition of items from GSA established supply sources.

§ 101–26.201 General.

This requisitioning and issue system is identified as the Federal Standard Requisitioning and Issue Procedure (FEDSTRIP) and is based on the single item punched card utilizing a common coded language. The system is compatible with the Military Standard Requisitioning and Issue Procedure (MILSTRIP), and DOD or GSA supply sources may accept properly prepared FEDSTRIP requisitions. The main features of the system are:

(a) Address codes are assigned to identify each ordering office, consignee point, and paying office.

(b) A uniform issue priority code pattern is used to identify the delivery requirement in specific time frames.

(c) Significant agency codes on the requisition document are printed on the shipping document which is provided in multicopy sets.

(d) Codes, representing appropriations or other financial accounts, as identified by the requisitioning activity on the requisition, are summarized on the billing document for shipments made during the billing period.

§ 101–26.202 Applicability.

This subpart is applicable to civil executive agencies in connection with the submission of requisitions to GSA for stores stock items and, when specifically authorized, other items available from or through GSA or DOD supply sources.

§ 101–26.203 Forms required.

§ 101–26.203–1 Forms prepared by ordering offices.

(a) The following requisition forms are prepared manually using typewriter, ballpoint pen, or other printing process by agencies not utilizing automatic data processing equipment.

(1) GSA Form 1348 (6–PT), GSA Single Line Item Requisition System Document (MANUAL) (illustrated at § 101–26.4902–1348–6).

(2) GSA Form 1348–4, Multiline Requisition, may be used where advantageous to submit orders in lieu of GSA Form 1348 (6–PT) (illustrated at § 101–26.4902–1348–4).

(b) GSA Form 1348m, Single Line Item Requisition System Document (MECHANICAL), is prepared mechanically by ADP equipment through computer output or key punch machine (illustrated at § 101–26.4902–1348m).

(c) Either GSA Form 1348 (6–PT) or GSA Form 1348m is prepared by ordering offices for followup or cancellation of a previously submitted requisition. GSA Form 1348–4 is not used for these purposes.

§ 101–26.203–2 Forms furnished to ordering offices.

(a) GSA Form 1348–1, Single Line Item Release/Receipt Document. This form serves as a shipping and receiving document (illustrated at § 101–26.4902–1348–1).

(b) GSA Form 952, Single Line Item Billing Register. This form serves as a billing support for shipments made during the billing period (illustrated at § 101–26.4902–952).

(c) Information will be furnished to ordering offices on GSA Form 1348m with regard to status of requisitions and replies to followup inquiries.

§ 101–26.204 Availability of forms.

The forms shown in § 101–26.203 are stocked in all GSA supply depots. Requisitions may be submitted in the usual manner.

§ 101–26.205 Implementation.

Civil agencies shall conform requisitioning procedure to the FEDSTRIP system which is described in the "FEDSTRIP Operating Guide," issued and maintained by the Commissioner, Federal Supply Service, GSA. This guide contains detailed instructions required in the FEDSTRIP system.

§ 101–26.205–1 Training media.

The Commissioner, Federal Supply Service, issues and maintains the following publications designed to assist agencies in training employees in the FEDSTRIP system:

(a) "Understanding FEDSTRIP," is a programed instruction text which precludes the traditional classroom instructor/student relationship and enables the student to learn the system, using only the text with related reference material at his individual learning pace.

(b) The "FEDSTRIP Supervisor's Training Guide" provides general information as to the FEDSTRIP system and guidelines as to the manner in which training could best be administered by supervisors within their agencies.

§ 101–26.205–2 Assignment of codes.

Codes will be assigned by GSA for the requisitioning agency as specified in the "FEDSTRIP Operating Guide." Where agency procedures provide for payment of bills on a national or other basis extending beyond respective GSA regional boundaries, agencies shall furnish such address information to the GSA, Federal Supply Service, Washington, D.C., 20405, for assignment of codes and distribution to all GSA regional offices.

§ 101–26.206 GSA assistance.

The Federal Supply Service at each GSA regional office will advise and assist in the development of procedures required to adopt FEDSTRIP within an agency's field activities. Agency headquarters activities requiring assistance may contact GSA, Federal Supply Service, Office of Supply Management, Washington, D.C., 20405.

Subpart 101–26.3—Procurement From GSA Stores Stock

§ 101–26.300 Scope of subpart.

This subpart prescribes policy and procedures governing the procurement by agencies of items of supply stocked by GSA, including reporting and obtaining adjustments for overages, shortages, and damages. Items stocked are listed in the GSA Stores Stock Catalog and supplements thereto.

§ 101–26.301 Applicability.

All executive agencies within the United States (including Hawaii and Alaska) shall procure exclusively from the stock of GSA their requirements of all articles listed in the GSA Stores Stock Catalog and supplements thereto, except as provided in this Subpart 101–26.3 and as may be otherwise specifically authorized. Other Federal agencies may procure from such source and are encouraged to do so. Purchases from GSA self-service stores satisfy the mandatory requirements of GSA regulations. Specific exceptions to the use of this GSA supply source are:

(a) Requirements of the Department of Defense (DOD) to the extent that items to be procured are not covered by GSA/DOD supply support agreements or by § 101–26.302 covering standard and optional forms.

(b) When suitable Government-owned used, excess, or surplus property can be secured.

(c) Special items listed in the GSA Stores Stock Catalog and supplements thereto, which are only available from regional offices other than the one serving the requisitioning agency. This exception is not applicable when Agency/GSA agreements provide for mandatory use of GSA supply depot stock.

(d) Items listed in the GSA Stores Stock Catalog and supplements thereto which are also covered by the Government Printing Office Catalog of Blank Paper and Envelopes, and which are obtained from the Government Printing Office for delivery in the District of Columbia.

(e) Items obtained under Federal Supply Schedule contracts.

(f) Ruled or unruled marginally punched forms listed in the GSA Stores Stock Catalog and supplements thereto, and marginally punched continuous forms obtained under term contracts issued by, or available through, the facilities of the Government Printing Office. Orders for standard forms under such contracts must be cleared through GSA in accordance with § 101–26.302.

(g) Orders for $25 or less in value.

(h) Products required in case of public exigency, and time or circumstances do not permit clearance from appropriate GSA officials.

(i) Purchases in Alaska and Hawaii of items in Federal Supply Classification Group 89, Subsistence Items.

(j) Combustible, hazardous, or otherwise dangerous items which, because of mailing restrictions due to postal regulations (nonmailable), have been exempted by terms and conditions shown in the Stores Stock Catalog and supplements thereto. Such items may be ordered, in quantity or with other items, for freight or express shipment.

(k) Small local purchases at the site of work or point of need if imprest funds, Standard Form 44, Purchase Order-Invoice-Voucher, or blanket purchase arrangements are available and used; and

(1) The items needed are nonrepetitive, infrequent, or isolated requirements; or

(2) When an urgent need arises for any item customarily obtained from GSA stock and a portion or all of the requirements must be obtained prior to time when it could normally be delivered from such stock.

(l) Blind-made and prison-made products stocked by GSA where the:

(1) Location of the receiving activity denotes that it would be more practical and economical to purchase direct from the manufacturing facility rather than through the GSA regional offices; or

(2) Volume consists of a truckload, carload, or more.

§ 101–26.302 Standard and optional forms, blankbooks, pamphlets, and miscellaneous printed matter.

§ 101–26.302–1 General.

GSA is the central control point for the consolidated procurement, supply control, storage, and distribution of standard and optional forms and is responsible for promoting an economical and efficient Government-wide standard forms program, including the assurance that (1) forms being printed or otherwise reproduced are the latest editions; (2) using agencies are furnished adequate supplies of currently usable forms; (3) substantial stocks are not being produced of forms undergoing revision; and (4) adequate information is supplied to using agencies on cataloging, forms identification, utilization of excess stocks, and other related phases of the standard forms program.

(a) Information as to the latest editions of standard and optional forms to be supplied by GSA supply depots and the identification of currently usable editions are included in the Standard and Optional Forms Facsimile Handbook, available from GSA Region 3 (FSN 7610–082–2499).

(b) Upon approval by GSA, miscellaneous printed items of the type generally used by all Government agencies, such as blankbooks, stenographers' notebooks, informational pamphlets, and handbooks will be stocked by GSA as supply items.

(c) Except for forms intended for use solely by the agency prescribing them, agencies shall requisition from GSA, requirements of standard and optional forms and miscellaneous items of printed matter from the listings in the GSA Stores Stock Catalog (Standard Forms Supplement). New or revised forms and miscellaneous printed items which are placed in stock between catalog revisions shall be obtained in the same manner.

(d) The ordering of standard and optional forms from GSA is not required where agencies have been granted authority for direct procurement by the Joint Committee on Printing, however such orders must be cleared through GSA in accordance with § 101–26.302–6, unless otherwise excepted by the Joint Committee on Printing.

§ 101–26.302–2 Agency responsibilities.

(a) Agencies shall assure that such items are obtained from GSA in the same manner as other items listed in the GSA Stores Stock Catalog. Agencies with central forms control and procurement may, however, place consolidated orders with GSA Region 3.

(b) Where proposed new or revised standard forms are submitted to other agencies for comment, all agencies concerned shall advise their using and procurement activities of the proposal, so that they will not acquire large stocks of a form which may be scheduled for revision or obsolescence.

(c) Upon receipt of notification from GSA, agencies shall provide for proper dissemination of information to all applicable levels concerning changes, additions, or deletions in items covered by this § 101–26.302, including the date of availability from GSA supply depots and the use of disposition of existing stocks.

(d) It shall be the responsibility of the head of each agency to secure approval from the Joint Committee on Printing for any agency reproduction of stocks of blank standard or optional forms.

§ 101–26.302–3 Obtaining items from GSA supply depots.

Supplies of stock items shall be obtained by all Federal agencies by the submission of requisitions to the appropriate GSA supply depot. Supplies of currently usable standard and optional forms will be issued by GSA in accordance with instructions furnished by promulgating agencies.

§ 101–26.302–4 Deviations from the text or format of standard or optional forms and other printed items.

Except for planning purposes, the content of construction (where specified) of standard or optional forms, blankbooks, pamphlets, or miscellaneous printed matter listed in the GSA Stores Stock Catalog (Standard Forms Supplement) or which agencies have been advised will be listed in such catalog, may not be altered or modified without prior written approval from the promulgating agency. Requisitions for such items shall be submitted, with a copy of the letter of approval, to GSA in accordance with § 101–26.302–5.

§ 101–26.302–5 Obtaining specially manufactured standard or optional forms.

Forms or form assemblies that deviate in any manner in their construction from those listed in the GSA Stores Stock Catalog (Standard Forms Supplement) are not stocked or distributed by GSA. Examples of this category are most serially numbered forms, overprinted forms, snapout sets, special combinations of forms, and forms requiring paper of a different grade, weight, or color

than that regularly prescribed by the promulgating agency. Such items shall be procured as follows:

(a) Federal agencies requiring such nonstock forms shall prepare and transmit Standard Form 1, Printing and Binding Requisition (illustrated at § 101–26.4901) or Standard Form 1–C, Printing and Binding Requisition for Specialty Items (illustrated at § 101–26.4901–1C) directly to GSA Region 3, Federal Supply Service, Washington, D.C., 20407, for submission to the Government Printing Office.

(b) Where proofs are requested by the ordering agency, final proofs may be submitted to GSA Region 3 for a review of conformity with standard format and approved exceptions prior to their return to the vendor. Where proofs are not so reviewed GSA cannot be held responsible for the acceptability of the final product.

(c) Certain die-impressed stencils, hectograph masters, preprinted masters, and other adaptations of standard and optional forms which are not listed in the GSA Stores Stock Catalog (Standard Forms Supplement) may be procured directly from commercial sources by virtue of a waiver from the Government Printing Office. In such cases the procuring agency may:

(1) Prior to preparation of the purchase order, submit the complete printer's copy to GSA Region 3, for clearance and return, or

(2) After preparation of the purchase order, route the purchase order, with printer's copy attached, through GSA Region 3, for clearance.

(d) Scheduling of production, delivery instructions, and billing for forms not stocked by GSA shall be handled directly between the Government Printing Office (or other vendor) and the ordering agency.

(e) To minimize agency printing and binding costs, requisitions for the forms listed below shall be transmitted in accordance with the submission dates shown in this paragraph. GSA Region 3, will accumulate the requisitions, assign control numbers, and transmit them to the Government Printing Office on the scheduled dates, thereby making consolidated production runs possible.

Standard form No.	Title	Date(s) due in GSA Region 3
1	Requisition for Printing and Binding.	June 15.
44	Purchase Order-Invoice-Voucher.	June 15.
50	Notification of Personnel Action.	Apr. 15; Oct. 15.
147	Order for Supplies or Services.	Dec 15.
148	Order for Supplies or Services (Schedule-Continuation).	Dec. 15.
502	Narrative Summary	Mar. 15; Sept. 15.
514–514M	Laboratory Reports	Jan. 15; July 15.
519A	Radiographic Reports	Mar. 1; Sept. 1.
1044	Schedule of Collections	June 15.
1080	Voucher for Transfer Between Appropriations and/or Funds (Disbursement).	Dec 15.
1103	U.S. Government Bill of Lading.	Feb. 1; Aug. 1.
1109	U.S. Government Bill of Lading (Continuation)	Dec. 15.
1114	Bill for Collection	Dec. 15.
1126	Payroll Change Slip	Feb. 15; Aug. 15.
1130	Time and Attendance Report.	Apr. 1.
1131	U.S. Government Transit Bill of Lading.	Apr. 1.
1166	Voucher and Schedule of Payments.	May 1; Nov. 1.
1167	Voucher and Schedule of Payments (Continuation).	May 1; Nov. 1.
1168	Request for Issuance of U.S. Savings Bonds—Series E.	Dec. 15.
1169	U.S.A. Transportation Request.	Nov. 1.
1170	Redemption of Unused Tickets.	Nov. 1.

(1) Requisitions for forms other than those listed above, may be submitted at any time for processing and transmission to the Government Printing Office.

(2) In those cases where the scheduled submission dates do not coincide with agency replenishment cycles, agencies shall, in the interest of Government-wide economy, adjust the quantity ordered on their next requisition to bring their cycle into agreement with the schedule established by GSA.

(3) Should unforeseen requirements arise between scheduled submission dates, interim orders for the forms listed above, may be submitted to GSA Region 3 with a statement setting forth the urgency of the requirement and requesting immediate transmittal to the Government Printing Office.

§ 101–26.302–6 Promulgation, modification, or revision of forms and related items.

(a) *Standard and optional forms.* Standard Form 84, Stock Action Request, shall be used by promulgating agencies to notify GSA of agency action in connection with the promulgation, modification, revision or cancellation of standard and optional forms and related items. Standard Form 84, (illustrated at § 101–26.49–84) shall be submitted in original only to General Services Administration Region 3, Federal Supply Service, Washington, D.C., 20407.

(1) Prior to the promulgation of a standard or optional form, the promulgating agency shall have complied with Bureau of the Budget Circular A–17 Revised, and/or Title 9 of the Policy and Procedures Manual of the General Accounting Office in obtaining clearance for promulgation of a new form, or for modification or revision of an existing form. A copy of the BOB approval shall be transmitted with the printer's copy to GSA, Region 3, as an attachment to Standard Form 84.

(2) When the expected date of release of final copy for a new, modified or revised form has been established, a notice of intent, which may be a draft of the proposed promulgating document, shall be submitted to GSA, Region 3. This notice shall indicate the expected release date of final copy, where and by whom forms are to be stocked, and, in the case of a revision, shall also include instructions for utilizing and disposing of existing stocks of the superseded form.

(3) Upon initiation of any action or procedure which will result in revision, modification, or cancellation, or which will otherwise affect any GSA depot stock item of forms, the promulgating agency shall notify GSA Region 3 (using Standard Form 84) sufficiently in advance to preclude overstockage or further printing of the item(s) involved, and allow maximum utilization of existing stocks.

(i) In those cases where a new or revised form cancels previous editions, promulgating agencies shall give full consideration to the utilization of present stocks of the older form and, whenever possible, shall establish a use date which will permit maximum issuance of stocks held by GSA and other agencies.

(ii) Information on existing stocks shall be obtained from GSA Region 3, which will coordinate with major using agencies in determining the total Government stock position.

(4) The effective date for use of new or revised forms shall be coordinated with GSA Region 3, in order to give full consideration to the total stock position, as well as printing and distribution requirements, but in no case should it be less than 45 days after the final proofs have been returned to GSA Region 3. Where the effective date for use of a mandatory form is established or prescribed by law, the promulgating agency shall develop and process the prescribed form in sufficient time to permit GSA a minimum of 45 days for printing and distribution to GSA supply depots.

(5) New or revised forms shall be submitted to GSA Region 3, for production. The transmittal shall include complete printer's copy, one copy of Standard Form 84, a copy of the promulgating document, and a copy of the BOB or GAO approval. GSA Region 3 will assign a control number, arrange for production of supplies of the new or revised form, and request that proofs be sent directly to the promulgating agency for approval. Such proofs, indicating all necessary changes, shall be transmitted by the promulgating agency to GSA Region 3, for review and return to the Government Printing Office or vendor.

(6) Even though a standard form is not to be stocked by GSA the same procedures as set forth in this paragraph (a) will be followed except that 100 copies of the new or revised form shall be delivered to GSA Region 3 as soon as copies of the form are published.

(b) *Agency forms and miscellaneous items.* When an agency desires to utilize the storage and distribution facilities of GSA for the Government-wide distribution of its forms or publications, its request shall be submitted on Standard Form 84 to GSA Region 3. The request should include a description or sample copy of the item, recommended distribution points, estimated annual usage, and

any other pertinent factors. Upon approval by GSA, the procedure established in paragraph (a) of this section shall be followed.

§ 101–26.302–7 Information concerning changes.

(a) Agencies will be notified of additions, revisions, and deletions of standard and optional forms through changes to the Standard and Optional Forms Facsimile Handbook. Such notifications will include information as to the official availability schedule for latest editions, identification of usable editions, disposal of existing stocks, and other pertinent information for use by agencies' forms management personnel.

(b) Notifications of the availability date for new or revised standard or optional forms will be released by GSA as soon as a firm commitment for delivery has been received from the Government Printing Office. Where a revision does not obsolete previous editions, which are to be used until exhausted, supplies of the revised editions may not be available for a considerable time after announcement of the revision. In such cases, all agency requisitions will be filled with the earliest usable edition stocked by the GSA supply depots, with later editions being issued as stocks of previous editions become depleted.

§ 101–26.302–8 Disposition of excess or obsolete standard forms.

(a) Standard forms which are excess to the needs of an agency shall be reported to GSA in the same manner as other excess personal property pursuant to Part 101–43 of this chapter.

(b) Reports by the military services of excess standard forms may be made to GSA Region 3, by consolidated letter report or submission of Standard Form 120, Report of Excess Personal Property.

(c) Obsolete forms should not be reported but should be determined to be surplus and disposed of under the provisions of Part 101–45 of this chapter. Obsolete accountable forms must be mutilated in the process of disposition and the accountability record closed by noting the action taken.

§ 101–26.302–9 Employee suggestions.

Employee suggestions affecting any of the items included in this § 101–26.302 shall be evaluated first within the agency where the suggestion originates, then submitted to the agency shown on the form as the promulgating agency. Where the physical characteristics of the item or its stocking or distribution are involved, the promulgating agency shall consult with GSA Region 3, before taking final approval action on the suggested change.

§ 101–26.303 Out-of-stock items at GSA regional offices.

§ 101–26.303–1 General.

Generally, back-ordering by GSA of out-of-stock items is more advantageous to requisitioning agencies than cancelling the items, as an order priority is established which assures shipment within a reasonable time. Further, reordering by the requisitioning agency from another source of supply is eliminated. However, out-of-stock items will not be back-ordered when they are urgently needed and the agency prefers to procure them from local sources, or when the overall cost to the Government can be reduced by purchase of such items from local sources.

§ 101–26.303–2 Notice to GSA.

(a) When submitting orders for stock items, agencies may request GSA regional offices to cancel any or all items not available by indicating on the order, "Cancel Out-of-Stock Items" or "Cancel the Following Lines if Out-of-Stock * * *." The requests shall be based upon a determination by the agency that the item or items are urgently needed and are available from local sources, or that the overall cost to the Government will be reduced. In such cases, out-of-stock items will be canceled and may be purchased without further clearance from GSA.

(b) Unless otherwise notified, a back-order will be established for each out-of-stock item and the agency notified of the approximate date when shipment will be made. Upon receipt of such notification, the ordering agency will (1) determine if the shipping date will meet its needs, considering the practicality of local purchase of interim requirements, and accept the back-order, (2) request a suitable substitute item, or (3) request cancellation of the back-order if the item or items are urgently needed, or if local procurement would be in the best interest of the Government. GSA regional offices will approve the cancellation or advise the requisitioning office of any other action taken. The requisitioning office shall await reply from the regional office before procuring its requirement elsewhere.

§ 101–26.303–3 Exceptions.

Standard forms, office furniture, and blind and prison-made items which are temporarily out-of-stock will be back-ordered in all cases and notification furnished as to the expected delivery date. However, blind or prison-made items may be procured from commercial sources by requisitioning agencies to the extent indicated in § 101–26.301(l). If such action is taken, the requisitioning agency shall request cancellation of pertinent back-orders established by the GSA regional office.

§ 101–26.304 Substitution policy.

In supplying items requisitioned from GSA depot stock, GSA regional offices will substitute both regular and excess property without prior notification, unless the proposed substitute is used, reconditioned, or differs in some substantial characteristic from the item requisitioned. Notice of intent to substitute will be given in all cases and, if desired, an opportunity will be provided to inspect the substitute prior to shipment.

§ 101–26.305 Orders for stock items.

(a) Orders for items of stock to be shipped to users within the continental United States shall be submitted in original only. Orders for items for export shipment (including shipments to Alaska and Hawaii) shall be submitted in duplicate. Orders in FEDSTRIP format shall be submitted as prescribed in Subpart 101–26.2.

(b) The information shown on agency orders will be used by GSA to prepare invoice-shipping documents mechanically. Copies of these documents will be used to inform requisitioning agencies of the supply action taken on each item ordered, as packing lists to assist consignee points in checking incoming shipments, and for subsequent billling for merchandise shipped.

§101–26.306 Planned requisitioning for GSA stock items.

In placing requisitions for stock items with GSA regional offices, agencies shall follow schedules or cycle plans which will reduce the number of transactions to the most economical level for both the agency served and GSA.

§ 101–26.306–1 Establishment of requisitioning schedules.

GSA regional offices will develop jointly with each agency served schedules for the frequency and timing for submission of stock requisitions. Upon establishment of such schedules, ordering agencies shall accumulate requirements during the period between scheduled submission dates in order to permit their inclusion on the same requisition, and note the established requisitioning date on each request submitted. In establishing such schedules, due regard shall be given to ordering frequencies which are required to comply with the economic order quantity principle.

§ 101–26.306–2 Urgent requirements.

Requests for unforeseen urgent requirements which are submitted between scheduled requisitioning dates shall be kept to a minimum consistent with good supply practices.

§ 101–26.306–3 Requisitions valued at $25 or less.

Whenever practicable, requisitioning schedules shall be established on a frequency basis that will assure that the value of each requisition exceeds $25. Whenever such scheduling is not practicable, the agency shall determine whether it is to the best interest of the Government to procure its requirements from GSA stocks or from local sources.

§ 101–26.307 Processing overages, shortages, and damages.

§ 101–26.307–1 Reporting requirements.

(a) When overages, shortages, or damages are incurred in shipments of stores stock items made by GSA, agencies shall document such discrepancies with sufficient information to enable initiation and processing of claims against carriers for shortages and damages and the disposition of any overages and shortages in shipment.

(b) GSA Form 1052, Over, Short, and/or Damage Report (illustrated at § 101–26.4902–1052), shall be used to report

discrepancies in accordance with instructions contained in this § 101–26.307 and the GSA Handbook, "Over, Short, or Damaged Shipments from GSA Supply Depots", promulgated by the Commissioner, Federal Supply Service. GSA Form 1052 is stocked in GSA Supply Depots under Stock Number 7540–965–2403. Agency requirements should be ordered in the same manner as standard and optional forms.

(c) Delay in submission of over, short, and damage reports, including those covering shipper discrepancies, will delay GSA adjustment action and may complicate claims action against carriers. Accordingly, reports shall be prepared promptly and mailed in sufficient time to be received by the GSA regional office no later than 15 days after receipt of shipment.

§ 101–26.307–2 Adjustments.

GSA will adjust any damage or other discrepancy resulting from over or under deliveries or from over or under charges. When the difference involved represents an amount of $5 or less on any one invoice, no adjustment in billing or payment is required. (GAO Manual, Title 7, Paragraph 4220.30). However, agencies are not relieved from the requirement to report discrepancies on GSA Form 1052 when the value involved is less than $5.

§ 101–26.307–3 Inquiries relating to GSA shipments.

Inquiries relating to GSA shipments should be directed to the appropriate addressee of the GSA regional office shown in the current edition of the GSA Stores Stock Catalog.

Subpart 101–26.49—Illustrations of Forms

§ 101–26.4900 Scope of subpart.

This subpart illustrates forms prescribed or available for use in connection with subject matter covered in other subparts of Part 101–26.

§ 101–26.4901 Standard forms.

The standard forms are illustrated in this section to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the standard form numbers.

NOTE: The forms in §§ 101–26.4901–1—101–26.4901–84 filed as part of the original document. Copies may be obtained from Central Office, GSA.

§ 101–26.4901–1 Standard Form No. 1: Printing and Binding Requisition.

§ 101–26.4901–1C Standard Form No. 1–C: Printing and Binding Requisition for Speciality Items

§ 101–26.4901–84 Standard Form 84: Stock Action Request (Standard Forms and Related Items).

§ 101–26.4902 GSA forms.

The GSA forms are illustrated in this section to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the GSA form numbers.

NOTE: The forms in §§ 101–26.4902–952—101–26.4902–1348–1 filed as part of the original document. Copies may be obtained from Central Office, GSA.

§ 101–26.4902–952 GSA Form 952: Single Line Item Billing Register.

§ 101–26.4902–1052 GSA Form 1052: Over, Short, and/or Damage Report.

§ 101–26.4902–1348 (6–PT) GSA Form 1348 (6–PT), GSA Single Line Item Requisition Document (MANUAL).

§ 101–26.4902–1348m GSA Form 1348m: Single Line Item Requisition System Document (MECHANICAL).

§ 101–26.4902–1348–1 GSA Form 1348–1: Single Line Item Release/Receipt Document.

§ 101–26.4902–1348–4 GSA Form 1348–4: Multiline Requisition.

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101–38—MOTOR EQUIPMENT MANAGEMENT

AUTHORITY: The provisions of this Part 101–38 issued under sec. 205(c), 63 Stat. 390; to U.S.C. 486(c).

§ 101–38.000 Scope of part.

The provisions of this part prescribe policies and methods governing the economical and efficient management and control of Government-owned motor vehicles and motor vehicles rented or leased to the Government, including reporting, registration, inspection, identification, and the procurement and use of Standard Form 149, U.S. Government National Credit Card, for obtaining deliveries of gasoline, lubricants, fuel oil (diesel), kerosene, and related services under Federal Supply Schedule contracts.

Subpart 101–38.0—Definition of Terms

§ 101–38.001 Definitions.

As used in this Part 101–38, the following terms shall have the meanings stated:

§ 101–38.001–1 Acquired for official purposes.

"Acquired for official purposes" means motor vehicles located in the United States, its territories, or possessions (a) owned by a Federal agency or the District of Columbia, or (b) rented or leased from private or commercial sources for a period exceeding three successive months by a Federal agency or the District of Columbia, unless otherwise herein provided. The definition of this term shall not be construed as authorizing the use of motor vehicles under (b) for a period less than three months in any manner other than for official purposes.

§ 101–38.001–2 Commercial design motor vehicles.

"Commercial design motor vehicles" means motor vehicles procurable from regular production lines and available also for civilian use. Commercial design motor vehicles are further classified as transport design and special design motor vehicles.

(a) "Transport design motor vehicles" means motor vehicles commercially designed to provide transportation service, i.e., transportation of personnel or cargo. This definition includes any motor vehicle designed for transportation service even though modified locally as an expedient for meeting special needs, e.g., snowplows, etc.

(b) "Special design motor vehicles" means motor vehicles commercially designed for special purpose uses, e.g., fire engines, rotary snowplows, and other vehicles with mounted equipment which are used for purposes other than to provide transportation service for personnel, supplies, or equipment. This definition excludes any motor vehicle designed for transport modified locally as an expedient for meeting special needs, e.g., snowplows, etc.

§ 101–38.001–3 Military design motor vehicles.

"Military design motor vehicles" means motor vehicles (excluding general purpose commercial design) designed in accordance with military specifications to meet transportation requirements for the direct support of combat or tactical operations, or for training of troops for such operations.

§ 101–38.001–4 Identification.

"Identification" means the official legend "For Official Use Only", and other identification showing either the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or a title descriptive of the service in which it is used, if such title readily identifies the department, establishment, corporation, or agency concerned.

§ 101–38.001–5 Metropolitan area of Washington, D.C.

"Metropolitan area of Washington, D.C." means the area which includes the District of Columbia and Alexandria City; Arlington and Fairfax Counties, Virginia; and Montgomery and Prince Georges Counties, Maryland.

§ 101–38.001–6 Holding agency.

"Holding agency" means an executive agency having accountability for motor vehicles owned by or rented or leased to the Government. In case of motor vehicles owned by the Government, it is the agency which has authority to take possession of, assign, or reassign the motor vehicles regardless of which agency is using the motor vehicles. In the case of motor vehicles rented or leased from private or commercial sources, it is the agency administering the rental agreement or lease and making payment thereon.

§ 101–38.001–7 Reporting agency.

"Reporting agency" means a department or independent establishment or bureau or comparable organizational unit of such department or independent establishment having overall management responsibility or accountability for 2,000 or more reportable vehicles. For example, a department having ten bureaus, two of which have custody of or accountability for over 2,000 reportable vehicles on a worldwide basis would transmit two separate reports for those two bureaus.

§ 101–38.001–8 Tag.

"Tag" means the official U.S. Government motor vehicle identification plate, District of Columbia license plate, or license plate of any State, territory, or possession of the United States.

§ 101–38.001–9 Contractor.

"Contractor" means a holder of supply contract who is listed in the current Federal Supply Schedule, FSC Group 91, Part III, Gasoline, Lubricants, Fuel Oil (Diesel), Kerosene and Related Services.

§ 101–38.001–10 Service station.

"Service station" means any gasoline service station operated by, or in the name of, or for the contractor, and also those operated by independent merchants dispensing supplies and services of a contractor.

§ 101–38.001–11 Supplies.

"Supplies" means regular grade gasoline, diesel oil, and regular and premium grade lubricating oil. These are regularly refined products which are furnished the public at service stations.

§ 101–38.001–12 Services.

"Services" means the furnishing by service stations of lubrication services; oil filter elements; air filter service; tire and tube repairs; battery charging; washing and cleaning services; permanent type antifreeze; emergency replacement of defective spark plugs, fan belts, windshield wipers, lamps, and other emergency repairs known in the automobile trade as "road repairs."

§ 101–38.001–13 Billing code.

"Billing code" means a 10-digit number that is always the first embossed line on the Standard Form 149, U.S. Government National Credit Card.

§ 101–38.001–14 Billing address.

"Billing address" means the name of the agency and the address to which contractors shall send statements covering the purchases of supplies and services by the user of the Standard Form 149.

§ 101–38.001–15 Tag number.

"Tag number" means the tag number of the vehicle for which the credit card is issued, and is always the fifth embossed line. A credit card may be used only for supplies or services delivered to the vehicle bearing the tag or registration number embossed thereon.

§ 101–38.001–16 Billing data.

"Billing data" means the billing code, billing address, and tag number as defined in §§ 101–38.001–13 through 101–38.001–15.

Subpart 101–38.1—Reporting Motor Vehicle Data

§ 101–38.100 Scope of subpart.

This subpart sets forth (a) policies and procedures for the reporting of motor vehicle data on Government-owned motor vehicles by a reporting agency; (b) information in connection with the requirements of the Bureau of the Budget Circular No. A–66; and (c) the responsibility of holding agencies for maintaining cost and operating data.

§ 101–38.101 Annual motor vehicle report.

A reporting agency means a department or independent establishment or bureau or comparable organizational unit of such department or independent establishment having overall management responsibility or accountability for 2,000 or more reportable vehicles. For example, a department having ten bureaus, two of which have custody of or accountability for over 2,000 reportable vehicles on a worldwide basis would transmit two separate Standard Forms 82, Annual Motor Vehicle Report (see § 101–38.001–7) for those two bureaus.

§ 101–38.101–1 Date for submission.

Each reporting agency shall submit Standard Form 82, Annual Motor Vehicle Report, in duplicate, by September 15, for the preceding fiscal year to the General Services Administration, Transportation and Communications Service, Motor Equipment Management Division, Washington, D.C., 20405. Detailed instructions for the preparation of Standard Form 82 are shown on the reverse of the form (for illustration of form, see § 101–38.4901).

§ 101–38.101–2 Vehicles to be reported.

Standard Form 82 shall include the reporting agency's Government-owned motor vehicles for which the reporting agency was accountable during the fiscal year in the United States, its territories and possessions, including the Canal Zone. Reportable data for motor vehicles located in foreign countries shall be included on a separate Standard Form 82 (except that the Department of Defense shall not report military design motor vehicles described in § 101–38.001–3).

§ 101–38.101–3 Reporting data on vehicles not operated by reporting agency.

If a reporting agency's motor vehicles are operated by another agency, the reporting agency shall report the data so that no data will be omitted or duplicated. The agency operating such motor vehicles shall submit to the reporting agency a report of expenditures incurred in the operation, maintenance, and repair of the motor vehicles. This report shall be submitted to reporting agency in sufficient detail to permit the reporting agency to include such expenditures on its Standard Form 82.

§ 101–38.101–4 Transfer of accountability.

When a reporting agency transfers accountability for a motor vehicle to or receives accountability from another agency, each reporting agency shall include in its report the data for such motor vehicle for the period of time held.

§ 101–38.101–5 Department of Defense vehicles.

The Department of Defense shall report Government-owned commercial design motor vehicles of the Department of Defense (see § 101–38.001–2).

§ 101–38.102 Standard Form 80.

The Bureau of the Budget will furnish copies of Standard Form 80, Report of Motor Vehicle Data, to GSA for motor vehicle inventory data.

§ 101–38.103 Records.

It is the responsibility of each reporting agency to develop adequate accounting and reporting procedures to insure accurate reporting of cost and operating data needed for the management and control of motor vehicles and to fulfill the requirements of this subpart.

Subpart 101–38.2—Registration and Inspection

§ 101–38.201 Registration and inspection in the District of Columbia.

§ 101–38.201–1 Registration.

(a) All motor vehicles acquired for official purposes and regularly based or housed in the District of Columbia shall be registered in the District of Columbia, Department of Vehicles and Traffic, in accordance with section 40–102(b)(2) of the District of Columbia Code. Each motor vehicle shall be reregistered during February of each year. Special forms for registering motor vehicles are available from the Department of Vehicles and Traffic of the District of Columbia.

(b) The District of Columbia Code requires that the application for registration of title be accompanied by a certificate of origin, bill of sale, or other document attesting Government ownership. In the event such documents have been lost, destroyed, or are unavailable, GSA Form 1020, United States Government Certificate of Ownership (for illustration of form, see § 101–38.4902), certified by GSA, will be accepted by the District of Columbia in lieu of the missing documents. The holding agency may obtain GSA Form 1020 from the General Services Administration, Transportation and Communications Service, Motor Equipment Management Division, Washington, D.C., 20405, upon furnishing adequate proof of Government ownership.

§ 101–38.201–2 Inspection.

Each registered motor vehicle shall be inspected annually in accordance with section 40–204 of the District of Columbia Code and applicable regulations issued thereunder. If the motor vehicle passes inspection, a current "Approval Inspection Sticker" will be provided by the Department of Vehicles and Traffic.

§ 101–38.201–3 Charges.

No charge is made for registration and inspection in the District of Columbia.

§ 101–38.202 Registration and inspection outside the District of Columbia.

Motor vehicles acquired for official purposes and regularly based or housed outside the District of Columbia need not be registered in the States, territories, or possessions in which they are primarily used, except that motor vehicles exempted under Subpart 101–38.6 shall be registered and inspected in accordance with the laws of the State, territory, or possession involved.

Subpart 101–38.3—Official Government Tags

§ 101–38.301 General requirements.

Official Government tags shall be used only on Government-owned or -leased motor vehicles.

§ 101–38.302 Records.

Each holding agency shall maintain a current record of all official Government tags in use on motor vehicles for which such agency is accountable. Such records shall specify the motor vehicle for which the tags are assigned and shall include complete information regarding all reassignments of tags and voided tag numbers.

§ 101–38.303 Procurement.

§ 101–38.303–1 Procurement in the District of Columbia.

(a) Official U.S. Government tags will be issued to Federal agencies by the District of Columbia, Department of Vehicles and Traffic, without charge, pursuant to the provisions of section 40–102(b)(2) of the District of Columbia Code, at the time the motor vehicle is registered or reregistered as prescribed in § 101–38.201–1.

(b) Government-owned motor vehicles registered in the District of Columbia in accordance with § 101–38.201–1 and displaying official U.S. Government tags shall have affixed to the tags metal letter tabs bearing the letter code prescribed in § 101–38.304 to designate the agency having accountability for such motor vehicles. The official U.S. Government tags issued by the District of Columbia are fabricated so that the metal letter tabs may be fastened to them. Such letter tabs shall be purchased from the General Services Administration, Region 3, Washington, D.C., 20407.

§ 101–38.303–2 Procurement outside the District of Columbia.

(a) Federal agencies operating motor vehicles acquired for official purposes outside the District of Columbia (except for motor vehicles exempted under Subpart 101–38.6) shall procure official U.S. Government tags from the Superintendent of Industries, District of Columbia, Department of Corrections, Lorton, Virginia.

(b) Tags will be fabricated from aluminum, treated against salt erosion, and baked enamel surface. These plates have an estimated life expectancy of five years.

(c) In ordering tags, the following information shall be furnished:

(1) Purchase orders shall include the code letters and numbers to be imprinted on the tags; the dates on which deliveries are required; the consignee and shipping instructions; the symbol number of the appropriation to be charged; and the signature of an officer authorized to obligate the cited appropriation.

(2) For obligating purposes, the ordering agency should consult the prices for vehicle identification tags listed in the Current Price List of Industrial Products and Services issued by the Superintendent of Industries. Federal agencies and/or their field activities may request the Superintendent of Industries, District of Columbia, Department of Corrections, Lorton, Virginia, to add their name to the mailing list to receive price lists as issued.

(3) When requested by the ordering agency, tags will be shipped directly to field stations. If the size of the shipment requires the use of a Government bill of lading, the bill of lading shall accompany the purchase order. If the size of the shipment permits mailing, the Department of Corrections will supply the necessary postage and will add the cost to the invoice.

(4) Upon receipt of an appropriate billing document, each agency shall make payment direct to the Superintendent of Industries, District of Columbia, Department of Corrections, Lorton, Virginia.

§ 101–38.304 Numbering and coding.

§ 101–38.304–1 Code designations.

Official U.S. Government tags, except tags issued by the District of Columbia pursuant to § 101–38.303–1, shall be numbered serially for each agency, beginning with 101, and shall be preceded by a letter code designating the agency having accountability for the motor vehicles as follows:

Agriculture, Department of	A
Air Coordinating Committee	AC
Air Force, Department of the	AF
Army, Department of the	W
Atomic Energy Commission	E
Civil Aeronautics Board	CA
Emergency Planning, Office of	EP
Civil Service Commission	CS
Commerce, Department of	C
Defense, Department of	D
Defense Supply Agency	DS
District of Columbia Redevelopment Land Agency	LA
Executive Office of the President	EO
Bureau of the Budget; Council of Economic Advisers; National Security Council.	
Export-Import Bank	EB
Federal Aviation Agency	FA
Federal Communications Commission	FC
Federal Deposit Insurance Corporation	FD
Federal Mediation and Conciliation Service	FM
Federal Power Commission	FP
Federal Reserve System	FR
Federal Trade Commission	FT
General Accounting Office	GA
General Services Administration	GS
Government Printing Office	GP
Health, Education, and Welfare, Department of	HW
Housing and Home Finance Agency	HH
Interagency Motor Pool Systems	G
Interior, Department of the	I
Interstate Commerce Commission	IC
Judicial Branch of the Government	JB
Justice, Department of	J
Labor, Department of	L
Legislative Branch of the Government	LB
National Aeronautics & Space Administration	NA
National Capital Housing Authority	NH
National Capital Planning Commission	NP
National Guard Bureau	NG
National Labor Relations Board	NL
National Science Foundation	NS
Navy, Department of the	N
Operations Coordinating Board	OB
Panama Canal Company	PC
Peace Corps	PCV
Post Office Department	P
Railroad Retirement Board	RR
Renegotiation Board	RB
Securities and Exchange Commission	SE
Selective Service System	SS
Small Business Administration	SB
Smithsonian Institution	SI
National Gallery of Art	
Soldiers Home, U.S.	SH
State, Department of	S
Tennessee Valley Authority	TV
Treasury, Department of the	T
United States Information Agency	IA
Veterans Administration	VA
Virgin Islands Corporation	VC

§ 101–38.304–2 Request for additional code designations.

Additional code designations may be prescribed by GSA upon request of a Federal agency.

§ 101–38.305 Display, assignment, and removal of U.S. Government tags.

§ 101–38.305–1 Display.

Each motor vehicle acquired for official purposes (except vehicles exempted by Subpart 101–38.6) shall display official U.S. Government tags mounted on the front and rear of the vehicle. Motor vehicles of the Department of Defense shall be governed by Subpart 101–38.5.

§ 101–38.305–2 Assignment.

Official U.S. Government tags shall be used on the motor vehicles to which originally assigned until such vehicles are removed from the Government service or transferred to another agency, or until the tags have become mutilated or defaced so as to necessitate their replacement.

§101–38.305–3 Removal.

Whenever a motor vehicle is removed from Government service or transferred to another agency, the official U.S. Government tags shall be removed. Subject to the provision of § 101–38.305–4, such tags may be transferred to a new motor vehicle acquired for official purposes, returned to stock for subsequent use, or voided against further use, as determined by the head of the holding agency concerned, or his designee. Tags which are voided shall be so defaced or destroyed as to prevent their re-use.

§ 101–38.305–4 U.S. Government tags issued by District of Columbia.

Official U.S. Government tags issued by the District of Columbia may be transferred, after approval by the Director of Vehicles and Traffic of the District of Columbia, only to another Government-owned or -leased motor vehicle of the same agency operating such vehicle in the District of Columbia. Damaged or mutilated tags finally removed from vehicles operating in the District of Columbia shall be delivered to the District of Columbia Department of Vehicles and Traffic for cancellation. Whenever motor vehicles regularly based or housed in the District of Columbia are transferred to operation in field areas or are removed from Government service or transferred to another agency, the official U.S. Government tags issued by the District of Columbia shall be removed and delivered to the District of Columbia Department of Vehicles and Traffic for cancellation.

Subpart 101–38.4—Official Legend and Agency Identification

§ 101–38.401 General requirements.

(a) Each motor vehicle acquired for official purposes (except vehicles exempted by Subpart 101–38.6) shall display the legend "For Official Use Only" and agency identification as provided in § 101–38.403. Motor vehicles of the Department of Defense shall be governed by Subpart 101–38.5.

(b) Where motor vehicles at present display agency identification substantially in accordance with this subpart, such identification need not be replaced until necessary because of damage or wear or until replacement can be accomplished without excessive expense.

(c) Motor vehicles rented or leased from private or commercial sources for a period of 6 months or less and used primarily for off-highway work need not display the legend "For Official Use Only" and agency identification; however, such vehicles leased for periods longer than 3 months shall display official U.S. Government tags as prescribed in § 101–38.305.

§ 101–38.402 Agency identification.

The full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned, shall be displayed conspicuously in letters of a color that is in definite contrast to the background color. The principal identifying word or words or the full title of such agency identification shall be in letters ¾-inch high. Subsidiary words, or titles of subordinate units, if desired, may be in letters ½-inch high. The identification may be applied through use of decalcomanias (pressure sensitive type). For examples of suggested possible arrangements, see illustration in § 101–38.4903.

§ 101–38.403 Display of legend and agency identification.

Each motor vehicle shall display the legend "For Official Use Only", and immediately below it the agency identification located as follows:

(a) On passenger cars, station wagons, ambulances, buses, carryalls, firetrucks, trucks, and tractors, centered on both front doors or in an equivalent position relative to the driver's seat, if there is no door.

(b) On trailers, vertically centered on both sides of front quarter of the vehicle.

(c) On motorcycles (sidecars only), vertically centered on the outside panel of the sidecar.

§ 101–38.404 Procurement of decalcomanias.

GSA will not stock decalcomanias for issue to other agencies. It is the responsibility of each agency to procure the decalcomania (pressure sensitive type) for their use.

§ 101–38.405 Removal of legend and agency identification.

Whenever a motor vehicle is permanently removed from Government service, prior to the transfer of its title or its actual delivery, there shall be removed therefrom the legend "For Official Use Only", agency identification, and any other identification as a Government motor vehicle.

Subpart 101–38.5—Motor Vehicles of the Department of Defense

§ 101–38.501 Commercial design motor vehicles.

Commercial design motor vehicles of the Department of Defense shall be identified as prescribed in Subpart 101–38.4, provided that outside the District of Columbia such vehicles need not carry official Government tags if (a) such vehicles conspicuously display, in the manner provided in Subpart 101–38.4, a title descriptive of the service to which the vehicle is assigned, a registration number assigned by the service, and the legend "For Official Use Only," and (b) the title of the service and the registration number are displayed on the rear of the vehicle, where practicable.

§ 101–38.502 Military design motor vehicles.

Military design motor vehicles shall be identified as prescribed by the Secretary of Defense, except that such vehicles based in Washington, D.C. (except those exempted under Subpart 101–38.6) shall bear, in addition to such identification as may be prescribed by the Secretary of Defense, the official Government tags.

Subpart 101–38.6—Exemptions From Use of Official U.S. Government Tags and Other Identification

§ 101–38.601 General requirements.

Motor vehicles (other than military design motor vehicles) acquired for official purposes, but which are exempted by the provisions of this subpart from the display of official U.S. Government tags and other identification, shall carry the regular license plates issued by the State, Commonwealth, or possession in which such motor vehicle is principally operated, or issued by the District of Columbia if the motor vehicle is regularly based or housed in the District of Columbia.

§ 101–38.602 Unlimited exemptions.

Unlimited exemptions from the requirement to display official U.S. Government tags and other identification are granted for the specific organizational units of the Federal agencies listed below, subject to the provisions of § 101–38.606, for those motor vehicles which are used in duties where conspicuous identification would interfere with the purpose for which the vehicle was acquired and used, as follows:

(a) *Atomic Energy Commission.* Motor vehicles which the Atomic Energy Commission designates for use in the conduct of security operations or in the enforcement of security regulations of the Commission.

(b) *Department of Agriculture.* Those motor vehicles of the Forest Service used for investigative law enforcement activities; motor vehicles used by the Agricultural Marketing Service in connection with the enforcement of the Packers and Stockyards Act of 1921, as amended; and motor vehicles used by investigative personnel of the Agricultural Research Service engaged in law enforcement activities in connection with the Federal Meat Inspection Act, as amended.

(c) *Department of Defense.* Motor vehicles used for intelligence, investigative, or security purposes, including such vehicles used by the Counter Intelligence Corps and the Criminal Investigation Division of the Department of the Army; the Office of Naval Intelligence of the Department of the Navy; and the Office of Special Investigation of the Department of the Air Force.

(d) *Department of Health, Education, and Welfare.* Motor vehicles operated by the Food and Drug Administration in undercover law enforcement and similar investigative work; motor vehicles operated by St. Elizabeths Hospital in outpatient work where the identification of the vehicle would be prejudicial to the patient, and one vehicle operated by the National Institutes of Health in transporting mentally disturbed children.

(e) *Department of the Interior.* Those motor vehicles operated by the Fish and Wildlife Service in the enforcement of Federal game laws, and those vehicles operated by the Geological Survey in the enforcement of the Connally "Hot Oil Act."

(f) *Department of Justice.* All motor vehicles operated by the Federal Bureau of Investigation; the Border Patrol; and those vehicles operated in undercover law enforcement activities or investigative work by the Immigration and Naturalization Service, by the Bureau of Prisons and Jail Inspectors, and by the United States Marshals.

(g) *Post Office Department.* The motor vehicles which the Postal Inspection Service uses for investigative and law enforcement activities.

(h) *Department of the Treasury.* All motor vehicles operated by the Bureau of Narcotics; the United States Secret Service; the Intelligence Division, the Alcohol and Tobacco Tax Division, and Internal Security Division of the Internal Revenue Service; the Division of Investigations and Enforcement of the Bureau of Customs; and the Intelligence Division of the United States Coast Guard.

(i) *District of Columbia.* Special motor vehicles operated by the Metropolitan Police Department; the Fire Department; the Department of Weights, Measures, and Markets; the Department of Corrections; and the District of Columbia Public Utilities Commission in connection with special investigative and undercover law enforcement activities.

(j) *National Security Council.* All motor vehicles operated by the Central Intelligence Agency.

(k) *Office of Emergency Planning.* Those motor vehicles which the Office of Emergency Planning uses in the conduct of security operations.

§ 101–38.603 Limited exemptions.

(a) The temporary removal, subject to the provisions of § 101–38.606, of official U.S. Government tags, other identification, and the temporary substitution of license plates issued by the appropriate State, Commonwealth, or possession, is authorized for the specific organizational units of those Federal agencies listed below whenever the head of the concerned agency determines that such temporary removal and substitution is in the public interest:

(1) *Department of the Interior.* Special officers of the Bureau of Indian Affairs, and the Branch of Investigations, Division of Inspection, Office of the Secretary.

(2) *Department of the Treasury.* The Collectors' Offices of the Bureau of Customs.

(3) *Federal Communications Commission.* Field Engineering and Monitoring Bureau.

(b) The authority to make this determination and to cause the substitution to be made may be delegated by the heads of such agencies to responsible officials under their jurisdiction. Motor vehicles operated by the specified organizational units upon like determination also may be exempted from displaying identification as prescribed in Subpart 101–38.4.

§ 101–38.604 Special exemptions.

All vehicles assigned for the personal use of the President, his Secretaries, and the heads of executive departments as enumerated in 5 U.S.C. 1 are exempt from the display of official identification. Such vehicles, other than those assigned for the personal use of the President, shall display the official U.S. Government tags.

§ 101–38.605 Additional exemptions.

Exemptions, in addition to those authorized in §§ 101–38.602 through 101–38.604, may be authorized by the head of the agency upon written certification that conspicuous identification will interfere with the purpose for which the motor vehicle is acquired and used. In each such case, the certification must state that the motor vehicle is acquired and used for the purpose of investigative, law enforcement, or intelligence duties involving security activities and that the identification of the motor vehicle would interfere with the discharge of such duties or endanger the security of individuals or the United States Government: *Provided,* That vehicles regularly used for common administrative purposes not directly connected with the performance of law enforcement, investigative, or intelligence duties involving security activities shall not because of such use be exempted. A conformed copy of each such certification, together with notice of cancellation thereof, if any, shall be submitted promptly to the General Services Administration, Transportation and Communications Service, Motor Equipment Management Division, Washington, D.C., 20405.

§ 101–38.606 Approval of tag requests for exempted vehicles in the District of Columbia.

The head of each agency shall designate a liaison representative, or representatives, to approve requests for regular District of Columbia tags for motor vehicles exempted from carrying U.S. Government tags and other identification. The name and specimen signature for each representative shall be furnished annually to the District of Columbia Department of Motor Vehicles.

§ 101–38.607 Report of exempted motor vehicles.

Annually, the head of each agency shall submit by July 15 a report, in triplicate, to the General Services Administration, Transportation and Communications Service, Motor Equipment Management Division, Washington, D.C., 20405, showing the total number of motor vehicles exempted under §§ 101–38.602 through 101–38.605.

Subpart 101–38.7—Transfer of Title to Government-Owned Motor Vehicles

§ 101–38.701 Methods of transfer.

Federal agencies in disposing of a Government-owned motor vehicle shall use one of the two methods listed below for transfer of ownership:

(a) Motor vehicles based and titled in the District of Columbia shall be transferred as provided in section 4(c) of the Vehicle Title and Registration Regulations for the District of Columbia.

(b) Motor vehicles based outside the District of Columbia shall be transferred by executing Standard Forms 97 and 97A, Certificate of Release of a Motor Vehicle. The use of these forms in foreign countries is optional.

(c) All certificates and copies shall be numbered consecutively by the using agency, such numbers to be typed or overprinted on all copies of Standard Forms 97 and 97A in the space provided. Unnumbered certificates or certificates showing erasures and strikeovers will be considered invalid by State motor vehicle agencies and will not be honored.

(d) Standard Form 97 shall be furnished the purchaser; one copy of Standard Form 97A shall be furnished the holding agency; and one copy of Standard Form 97A shall be furnished the contracting officer of the agency effecting sale of the motor vehicle.

(e) Illustrations of Standard Forms 97 and 97A and instructions for preparing the forms are contained in §§ 101–38.4904 and 101–38.4905.

Subpart 101–38.8—Obtaining Service Station Deliveries of Gasoline, Lubricants, Fuel Oil (Diesel), Kerosene, and Related Services Under Federal Supply Schedule Contract

§ 101–38.801 General.

§ 101–38.801–1 Federal Supply Schedule, FSC Group 91, Part III.

Federal agencies may obtain service station deliveries of gasoline, lubricants, fuel oil (diesel), kerosene, and related services at commercial facilities which dispense supplies and services of contractors listed in Federal Supply Schedule, FSC Group 91, Part III, through the use of commercial credit cards issued by such contractors, or by use of Standard Form 149, U.S. Government National Credit Card. Agencies desiring commercial credit cards should submit their requests to the appropriate contractors. Agencies should request commercial credit cards from as many contractors as necessary to satisfy their requirements.

§ 101–38.801–2 Standard Form 149, U.S. Government National Credit Card.

When a single credit card for use at all contractors' service stations is desired by an agency, Standard Form 149 (for illustration of form, see § 101–38.4906) shall be used. Instructions relative to procurement and use of Standard Form 149 are set forth in this subpart.

§ 101–38.802 Restriction on agency use.

The use of Standard Form 149 is optional. However, the use of the form within an agency must be on a bureau-wide or equivalent basis.

§ 101–38.803 Billing data to be shown on Standard Form 149.

Each Standard Form 149 when issued is embossed to reflect appropriate billing data as indicated on illustration of the form in § 101-38.4906. The information which may be embossed is limited to five lines with 22 characters (including spaces) per line, in accordance with the following:

(a) *Billing code.* The first embossed line on the Standard Form 149 is the billing code consisting of a 10-digit number. Nine of the digits are assigned by the using agency in accordance with the following instructions:

(1) The first three digits of the billing code will always be 000 or 002 to signify to the contractor that a Federal contract is involved.

(2) The fourth digit may be used by the agency to designate the vehicle class or provide additional billing code numerals. The military departments have been assigned the first four digits of the billing code as follows: U.S. Navy 002–1; U.S. Army 002–2; U.S. Air Force 002–3; Marine Corps 002–4; and Army and Air Force Exchange Service 002–5. The digits 002–6 have been reserved for the GSA Interagency Motor Pools.

(3) The fifth and sixth digits will be the Agency code, except where the first four digits have been assigned to designate the agency. Agency codes are shown in the Treasury Department booklet "Receipt, Appropriation, and Other Fund Account Symbols and Titles."

(4) The seventh, eighth, and ninth digits indicate the agency billing address code number, except where the first four digits cover the agency. Each Federal agency will assign its own billing address code numbers.

(5) The tenth digit is the reject number for use in automatic billing operations of the contractors. This number is not assigned by the agency but will be determined by the Federal Supply Schedule, FSC Group 75, Part VII, embossing contractor, or by the GSA regional office embossing the card.

(b) *Billing address.* The number of lines in the billing address is limited to three, and is always the second, third, and fourth embossed lines. As an example, Standard Forms 149 used in GSA motor pools in Region 2 will have the billing address as shown on the illustration in § 101–38.4908.

(c) *Tag number.* The fifth embossed line on Standard Form 149 is always the tag number of the vehicle for which the credit card is issued. A credit card may be used only for supplies or services delivered to the vehicle bearing the tag or registration number embossed thereon.

§ 101–38.804 Order for 50 or more embossed Standard Forms 149 from embossing contractor.

(a) Agencies requiring 50 or more embossed Standard Forms 149 shall forward purchase orders to the embossing

contractor shown in Federal Supply Schedule, FSC Group 75, Part VII.

(b) Each agency shall furnish the embossing contractor with billing data for each Standard Form 149 ordered. Billing data shall accompany the purchase order. Billing data for each credit card ordered shall be on a separate 3" x 5" card in the format shown in § 101–38.4907.

(c) The embossing contractor will bill ordering agencies directly.

§ 101–38.805 Requisitioning 49 or less embossed Standard Forms 149 from designated GSA regional offices.

(a) Agencies requiring 49 or less embossed Standard Forms 149 shall forward requisitions to the Chief, Motor Equipment Division, to the GSA regional office in which the agency is located.

(b) Each agency shall furnish the billing data for each Standard Form 149 requisitioned. Such information shall accompany the requisition. Billing data for each embossed credit card ordered shall be in the format shown in § 101–38.4908.

(c) GSA will bill requisitioning agencies at 20 cents per embossed card, or will accept cash payment.

§ 101–38.806 Notice to GSA of assignment of billing codes and billing addresses.

§ 101–38.806–1 Notice of assignment.

Agencies shall notify GSA of assignment of Standard Form 149 billing codes and billing addresses. Such notices shall be submitted to: General Services Administration, Federal Supply Service, Procurement Operations Division, General Services Regional Office Building, Washington, D.C., 20407. In the interest of uniformity, it is requested that agencies, in submitting notices, use the format shown in § 101–38.4909.

§ 101–38.806–2 Notice of changes.

Once GSA has been officially notified of the assignment of billing codes and billing addresses, the agency may order additional Standard Forms 149, using the same billing code and billing address for additional tag numbers without reporting such use. Changes in billing codes and billing addresses must be furnished GSA so that the contractors may be informed. This is essential for proper control of billing procedures.

§ 101–38.807 Loss or theft of Standard Form 149.

In the event a Standard Form 149 is lost, stolen, or damaged, the agency shall secure a duplicate. If the lost or stolen credit card is recovered, it or the duplicate shall be destroyed.

§ 101–38.808 License tag changes.

Whenever a license tag is destroyed or expires, the corresponding credit card shall be destroyed.

§ 101–38.809 GPO waiver.

A waiver has been issued by the Government Printing Office to GSA for the procurement of the printing of the Standard Form 149.

Subpart 101–38.9—Motor Vehicle Replacement Standards

§ 101–38.901 Applicability.

The motor vehicle replacement standards prescribed in this subpart shall be applied by any executive agency, except the Department of Defense, desiring to replace motor vehicles. The standards prescribed are minimum standards. Executive agencies shall retain motor vehicles which are in usable and workable condition even though the standard permits replacement, provided the item of property can be used or operated an additional period without excessive maintenance cost or substantial reduction in trade-in value.

§ 101–38.902 Passenger cars and station wagons.

Passenger cars and station wagons may be replaced when they have been operated for six years or 60,000 miles, whichever occurs first.

§ 101–38.903 Ambulances.

Ambulances may be replaced when they have been operated for seven years or 60,000 miles, whichever occurs first.

§ 101–38.904 Buses for eleven or more passengers.

Buses for 11 or more passengers may be replaced when they have been operated for eight years. Without regard to years of use, such buses may be replaced when they have been operated the following number of miles:

	Miles
Intercity-type bus	280,000
City-type bus	150,000
School-type bus	80,000

§ 101–38.905 Multiple-drive vehicles.

Multiple-drive (4- or 6-wheel drive) truck-chassis combination personnel and property carrying motor vehicles may be replaced when they have been operated for six years or 40,000 miles, whichever occurs first.

§ 101–38.906 Motor trucks.

Motor trucks provided with pickup or express, panel or sedan-delivery, carryall, van, open van, platform, stake, rack, dump, truck-tractor, or tank bodies may be replaced in accordance with the following table of years or mileage operation, whichever occurs first:

Maximum GVW pounds	Total years	Total miles	Payload rating
Less than 12,500	6	50,000	1 ton and less.
12,500 through 16,999.	7	60,000	1½ through 2½ tons.
17,000 and over	9	80,000	3 tons and over.

§ 101–38.907 Fleets.

Where an agency owns eight or more vehicles in any one of the following classes, not more than 25 percent of the vehicles in such class may be replaced in any one fiscal year; where the total number of vehicles in any one class is less than eight, not more than two of such vehicles may be replaced in any fiscal year: *Provided,* That all vehicles to be replaced shall meet the age or mileage replacement standards contained in this subpart.

(a) Automobiles (sedans, coupes, etc.).

(b) All other passenger-carrying vehicles (station wagons, ambulances, buses).

(c) All trucks and truck tractors.

§ 101–38.908 Exception.

If a motor vehicle has been wrecked or damaged (including wear caused by abnormal operating conditions) beyond economical repair, such unit may be replaced without regard to standards in this subpart after certification to that effect by the head of the agency or his delegate.

Subparts 101–38.10—101–38.48 [Reserved]

Subpart 101–38.49—Forms and Reports

§ 101–38.4900 Scope of subpart.

Sections 101–38.4901 through 101–38.4909 contain illustrations, forms, and reports used in connection with the regulations on motor equipment management prescribed in Part 101–38. The forms and reports are illustrated to show the format, text, and arrangement and to provide a ready source of reference. Instructions for preparing some of the forms and reports are shown in the illustrations.

NOTE: The forms in §§ 101–38.4901, 101–38.4902, and 101–38.4904—101–38.4906 filed as part of the original document. Copies may be obtained from Central Office, GSA.

§ 101–38.4901 Standard Form 82: Annual Motor Vehicle Report.

§ 101–38.4902 GSA Form 1020: United States Government Certificate of Ownership of a Motor Vehicle.

§ 101–38.4903 Examples of agency identification.

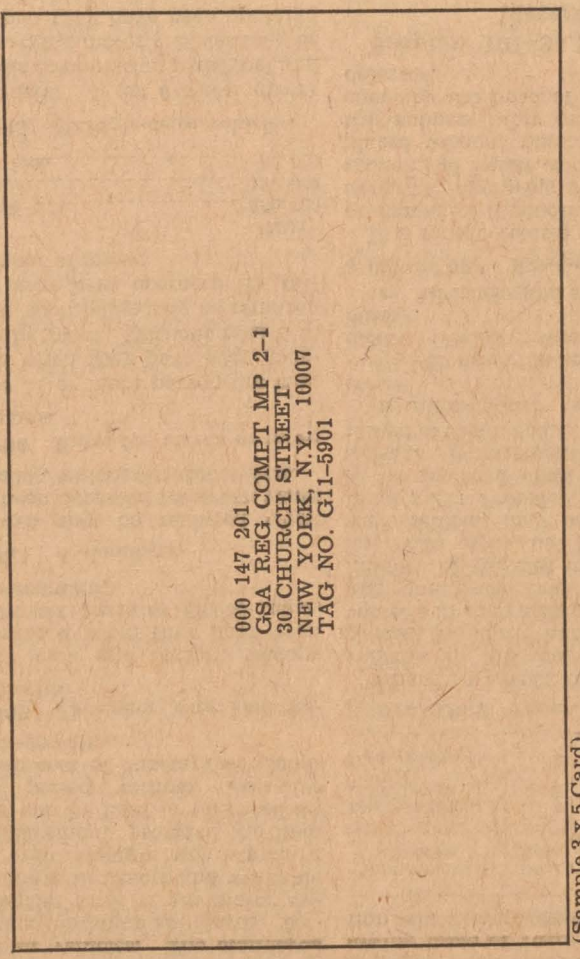
Agency identification	*Letter height (Inch)*
FOR OFFICIAL USE ONLY DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION	½ ¾ ½
FOR OFFICIAL USE ONLY INTERNAL REVENUE SERVICE	½ ¾
FOR OFFICIAL USE ONLY ATOMIC ENERGY COMMISSION	½ ¾
FOR OFFICIAL USE ONLY FEDERAL AVIATION AGENCY	½ ¾

§ 101–38.4904 Standard Form 97: Certificate of Release of a Motor Vehicle.

§ 101–38.4905 Standard Form 97A: Agency Record Copy of Certificate of Release of a Motor Vehicle.

§ 101–38.4906 Standard Form 149: U.S. Government National Credit Card.

§ 101–38.4907 Billing data format for transmittal to the embossing contractor.



(Sample 3 x 5 Card)

The purchase order, or a separate transmittal, shall contain substantially the following statement:

You are requested to furnish -- embossed Standard Form 149, U.S. Government National Credit Card. Billing data for each Standard Form 149 are on separate 3 x 5 cards attached.

§ 101–38.4908 Billing data format for transmittal to the Chief, Motor Equipment Division, at the selected GSA Regional Office.

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N.Y. 10007
TAG NO. G11–5901

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N.Y. 10007.
TAG NO. G11–5902

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5903

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5904

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5905

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5906

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5907

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5908

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5909

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5910

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5911

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5912

The requisition, or a separate transmittal, shall contain substantially the following statement:

You are requested to furnish -- embossed Standard Form 149, U.S. Government National Credit Card. Billing data for each Standard Form are attached.

§ 101–38.4909 Notice to GSA of assignment of billing codes and billing addresses for U.S. Government National Credit Card.

To: General Services Administration
Federal Supply Service
Procurement Operations Division
General Services Regional Office Building
Washington, D.C. 20407.

(Agency, Bureau, Service, or Other Purchasing Activity)

has assigned the billing code(s) and billing address(es) as listed below, or attached hereto, to Standard Forms 149.

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N.Y. 10007.

Contracting Officer.

NOTE: Tag Number is NOT required.

Effective date: These regulations shall be effective November 30, 1964, except § 101–26.307 which shall be effective February 1, 1965.

Dated: October 20, 1964.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 64–10909; Filed, Oct. 28, 1964; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 43b—PREPARATION OF A ROLL TO SERVE AS THE BASIS FOR THE DISTRIBUTION OF THE JUDGMENT FUNDS AWARDED THE CHEROKEE BAND OF SHAWNEE INDIANS

The Act of August 20, 1964 (78 Stat. 555), directs the Secretary of the Interior to prepare a new roll of Cherokee-Shawnee Indians to serve as the basis for the distribution of their share of the judgment funds awarded to Shawnee Tribe or Nation by the Indian Claims Commission. The purpose of the regulations in the new Part 43b is to govern the preparation of this roll, and the new part is set forth below.

Since the Act of August 20, 1964, supra, clearly delineates the basis for the new roll, who shall be eligible for inclusion thereon, and the form the distribution shall take, the procedure for general notice of proposed rule making is deemed unnecessary. These regulations will become effective upon the date of publication in the FEDERAL REGISTER Part 43b reads as follows:

Sec.

AUTHORITY: The provisions of this Part 43b issued under the Act of Aug. 20, 1964 (78 Stat. 555).

§ 43b.1 Definitions.

As used in this Part 43b.

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Director" means the Area Director, Muskogee Area Office, Bureau of Indian Affairs, Federal Building, Muskogee, Oklahoma, or his authorized representative.

(d) "Staff Officer" means the enrollment officer or other person authorized to prepare the roll.

(e) "Descendants" means those persons who have issued from an enrollee and includes such enrollee's children, grandchildren, etc. It does not include collateral relatives such as aunts, uncles, cousins, etc.

(f) "Living" means born on or prior to and living on August 20, 1964.

(g) "Sponsor" means a person who has filed an application for enrollment on behalf of another person.

(h) "Basic Roll" means that roll of Cherokee-Shawnees prepared in accordance with the Act of March 2, 1889 (25 Stat. 994).

§ 43b.2 Purpose.

The regulations in this Part 43b are to govern the compilation of a roll of persons who meet the enrollment requirements specified in section 3 of the Act of August 20, 1964 (78 Stat. 555), to serve as the basis for the distribution of the Cherokee Band of Shawnee Indians' portion of the judgment funds awarded to the Shawnee Tribe or Nation in Indian Claims Commission Docket No. 334.

§ 43b.3 Qualifications for enrollment.

Each person living on August 20, 1964, whose name appears on the roll of Cherokee-Shawnee prepared in accordance with the Act of March 2, 1889 (25 Stat. 994), and the lineal descendants living on August 20, 1964, of persons on the 1889 roll shall be eligible to be included on the roll prepared pursuant to this part.

§ 43b.4 Eligibility of adopted children.

Children of Indian blood of other tribes and non-Indian children who have

been adopted by either persons appearing on the roll of Cherokee-Shawnees prepared in accordance with the Act of March 2, 1889 (25 Stat. 994), or descendants thereof, shall not be eligible for enrollment. Children of Cherokee-Shawnee Indian blood adopted by non-Indians or Indians of other tribes shall be eligible if they otherwise meet the requirements for enrollment.

§ 43b.5 Application forms.

(a) Application forms will be furnished by the Director or other persons designated by him upon written or verbal request. Each person furnishing application forms shall keep a record of the names of the individuals to whom applications are given, as well as the number of forms and the date furnished.

(b) Among other information each application shall contain:

(1) The deadline for filing the application with the Director.

(2) The name, address and date of birth of the applicant.

(3) Certificate as to whether application is for a natural child or an adopted child.

(4) If application is filed by a sponsor, the name, address and relationship of sponsor to the applicant.

(c) Instructions for completing and filing application forms shall be furnished with each form.

§ 43b.6 Filing of applications.

Any adult person who desires to be enrolled and believes he meets the requirements for enrollment specified in these regulations must file or have filed in his behalf a completed application form with the Director on or before March 20, 1965. Written application forms for minors, mentally incompetent persons or other persons in need of assistance, members of the Armed Services or other services of the United States Government and/or any eligible member of their immediate families stationed in Alaska or Hawaii or elsewhere outside the continental United States, or a person who died after August 20, 1964, may be filed by the parent, guardian, next of kin, next friend, spouse, executor or administrator of estate, the Director, or other person on or before the deadline specified in this section.[1]

§ 43b.7 Burden of proof.

The burden of proof rests upon the applicant or sponsor to establish eligibility for enrollment. Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings, or affidavits, may be used to support claim for enrollment. Records of the Bureau of Indian Affairs may also be used to establish eligibility.

§ 43b.8 Review of application by tribal committee.

If practical the Director shall appoint a committee of Cherokee-Shawnee Indians whose function shall be to review the applications for the purpose of recommending to the Director approval or rejection of the applications. Such committee shall have no longer than three months from the deadline for filing applications to complete any review and to make pertinent recommendations and shall meet only when directed to by the Director. A recommendation for the rejection of any application shall be supported by a written statement of the reasons for the adverse recommendation.

§ 43b.9 Action by the Area Director.

(a) The Director shall consider each application and, when applicable, the Cherokee-Shawnee committee's recommendation thereon. Upon determination as to the eligibility of an individual the Director shall notify the applicant or sponsor in writing of his decision. If such determination is favorable, the name of the individual determined eligible shall be placed on the roll. If the decision is adverse, the applicant or sponsor shall be notified of such decision by certified mail, to be delivered to the addressee only, return receipt requested, together with the full explanation of the reasons therefor and of his right of appeal to the Secretary. (Registered mail must be used for notices of rejection sent outside the United States.) If an individual files applications on behalf of more than one person, one notice of eligibility or rejection may be addressed to the person who filed the applications. However, said notice must list the names of each person involved.

(b) To avoid hardship or gross injustice, the Director may waive technical deficiencies in applications or other submissions.

§ 43b.10 Appeals.

Appeals must be in writing, addressed and mailed to the Director, and received by him within 30 days from the receipt of rejection notice. The appellant may submit with his appeal any supporting evidence not previously furnished. When upon review of the evidence, the Director is satisfied that the right to enrollment has been established, the appellant shall be so notified and the appropriate name entered on the roll. If the Director determines the individual ineligible he shall forward the appeal, together with the complete record and his recommendations thereon to the Commissioner for transmittal to the Secretary.

§ 43b.11 Decision of the Secretary on appeals.

The decision of the Secretary on an appeal shall be final and conclusive and written notice of his decision shall be given the applicant or sponsor. When so directed by the Secretary, the Commissioner shall cause to be entered on the roll the name of any person whose appeal has been sustained.

§ 43b.12 Preparation of roll.

The staff officer shall prepare a minimum of five copies of the roll of those persons determined to be eligible for enrollment. The roll shall contain for each person listed thereon a roll number, name, address, sex, date of birth and, in the remarks column, the basic roll number, name and relationship of ancestor on basic roll through whom eligibility was established.

§ 43b.13 Certification and approval of roll.

A certificate shall be attached to the roll by the staff officer certifying that to the best of his knowledge and belief the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Commissioner shall approve the roll.

§ 43b.14 Special instructions.

To facilitate the work of the Director the Commissioner may issue special instructions not inconsistent with the regulations in this part.

FRANK P. BRIGGS,
Acting Secretary of the Interior.

OCTOBER 23, 1964.

[F.R. Doc. 64-11079; Filed, Oct. 28, 1964; 8:50 a.m.]

[1] Criminal penalties are provided by statute for knowingly filing false information in such statements. 18 U.S.C. 1001.

SUBCHAPTER M—FORESTRY

PART 141—GENERAL FOREST REGULATIONS

Miscellaneous Amendments

On pages 12032–12033 of the FEDERAL REGISTER of August 22, 1964, there was published a notice and text of proposed amendment of Part 141 of Title 25, Code of Federal Regulations.

The purpose of these amendments is to incorporate numerous changes necessitated by the passage of the Act of April 30, 1964, Public Law 88-301.

Interested persons were given 30 days within which to submit comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted and are set forth below. These amendments shall become effective at the beginning of the 30th calendar day following the date of publication in the FEDERAL REGISTER.

FRANK P. BRIGGS,
Acting Secretary of the Interior.

OCTOBER 23, 1964.

1. Section 141.3 is amended to read as follows:

§ 141.3 Objectives.

(a) The following objectives are to be sought in the management of unallotted Indian forest lands in accordance with the principles of sustained yield:

(1) The preservation of such lands in a perpetually productive state by providing effective protection, by applying sound silvicultural and economic principles to the harvesting of the timber, and by making adequate provision for new forest growth as the timber is removed.

(2) The regulation of the cut in a manner which will insure method and order in harvesting the tree capital, so

as to make possible continuous production and a perpetual forest business.

(3) The development of Indian forests by the Indian people for the purpose of promoting self-sustaining communities, to the end that the Indians may receive from their own property not only the stumpage value, but also the benefit of whatever profit it is capable of yielding and whatever labor the Indians are qualified to perform.

(4) The sale of Indian timber in open competitive markets in accordance with good business practices on reservations where the volume that should be harvested annually is in excess of that which is being developed by the Indians.

(5) The preservation of the forest in its natural state wherever it is considered, and the authorized Indian representatives agree, that the recreational or aesthetic value of the forest to the Indians exceeds its value for the production of forest products.

(6) The management of the forest in such a manner as to retain its beneficial effects in regulating water run-off and minimizing erosion.

(7) The preservation and development of grazing, wildlife, and other values of the forest to the extent that such action is in the best interest of the Indians.

(b) Similar objectives are sought in the management of allotted Indian forest lands, but, in addition, the sales of timber shall be based upon a consideration of the needs and best interests of the Indian owner and his heirs. The Secretary shall take into consideration, among other things:

(1) The state of growth of the timber and the need for maintaining the productive capacity of the land for the benefit of the owner and his heirs.

(2) The highest and best use of the land, including the advisability of devoting it to other uses for the benefit of the owner and his heirs.

(3) The present and future financial needs of the owner and his heirs.

2. Section 141.7 is amended to read as follows:

§ 141.7 Timber sales from unallotted and allotted lands.

(a) On reservations where the volume of timber available for cutting is in excess of that which is being developed by the Indians, open market sales of Indian timber will be authorized: *Provided*, That consent is given by the authorized representative of the tribe for tribal timber, and by the owners of a majority Indian interest in trust or restricted timber on allotted lands. The consent of the Secretary is required in all cases.

(b) The Secretary may sell the timber on any Indian land held under a trust or other patent containing restrictions on alienations without the consent of the owners when in his judgment such action is necessary to prevent loss of values resulting from fire, insects, disease, windthrow, or other natural catastrophes.

(c) Unless otherwise authorized by the Secretary, sales from unallotted lands, allotted lands, or a combination of these two ownerships having a stumpage value exceeding $500 will not be approved until an examination of the timber to be sold has been made by a qualified forest officer and a report setting forth all pertinent information has been submitted to the officer authorized to approve the contract as provided in § 141.13. In all such sales of timber exceeding $500 in value, the timber shall be appraised and sold at not less than its appraised value.

3. Section 141.9 is amended to read as follows:

§ 141.9 Timber sales without advertisement.

Sales of timber may be made without advertisement with the consent of the authorized representative of the tribe for tribal timber or with the consent of the owners of a majority Indian interest in trust or restricted timber on allotted lands, and the approval of the Secretary: (a) To Indians or non-Indians when the timber is to be cut in conjunction with the granting of a right-of-way or authorized occupancy, or must be cut to protect the forest from injury, or if it is impractical to secure competition by formal advertising procedures, or when otherwise specifically authorized by statutes or regulations; or (b) To Indians who are members of the tribe for stumpage value not exceeding $5,000. Such contracts shall not be made for a longer term than two years. The stumpage rates in connection with such sales shall be established by the approving officer after due appraisal procedure. Timber contract forms executed under authority hereof shall be those stipulated for the sale of timber under § 141.12, and shall carry the bond requirement stipulated in § 141.14. No more than one such sale without advertisement may be made to any person or operating group of persons in any one calendar year. In the case of each negotiated transaction the approving officer shall establish a documented record of the transaction, including a written determination and finding that the transaction is of a type or class allowing the negotiation procedures or warranting departure from the procedures provided in § 141.8; the extent of solicitation and competition, or a statement of the facts upon which a finding of impracticability of securing competition is based; and a statement of the factors on which the award is based, including a determination as to the reasonability of the price accepted.

4. Section 141.13 is amended to read as follows:

§ 141.13 Execution and approval of contracts.

(a) *Contracts for the sale of tribal timber.* All contracts for the sale of tribal timber shall be executed by the authorized representative of the tribe or tribal corporation. Contracts to be valid must be approved by the Secretary. There shall be included with the contract an affidavit executed by the appropriate officer of the tribe or tribal corporation setting forth the resolution or other authority of the governing body of the tribe or tribal corporation authorizing the sale.

(b) *Contracts for the sale of allotted timber.* Contracts for the sale of allotted timber shall be executed by the Indian owners or the Secretary acting pursuant to a power of attorney from the Indian owner, subject to conditions set forth in § 141.13(b) (1), (2), and (3). Contracts to be valid must be approved by the Secretary.

(1) The Secretary shall execute contracts on behalf of minors and Indian owners who are incompetent by reason of mental incapacity after consultation with any legally appointed guardian.

(2) The Secretary shall execute contracts for those persons whose ownership in a decedent's estate has not been determined or for those persons who cannot be located after a reasonable and diligent search and the giving of notice by publication.

(3) Upon the request of the owner of an undivided but unrestricted interest in land in which there are trust or restricted Indian interests, the Secretary shall include such unrestricted interest in a sale of the trust or restricted interests in the timber, pursuant to Part 141, and perform any functions required of him by the contract of sale for both the restricted and the unrestricted interests, including the collection and disbursement of payments for timber and the deductions as service fees from such payments of sums in lieu of administrative expenses.

5. Section 141.18 is amended to read as follows:

§ 141.18 Deductions for administrative expenses.

In sales of timber from either allotted or unallotted lands, a reasonable deduction shall be made from the gross proceeds to cover in whole or in part the cost of managing and protecting the forest lands, including the cost of timber sale administration, but not including the costs that are paid from funds appropriated specifically for fire suppression or forest pest control. Unless special instructions have been given by the Secretary as to the amount of the deduction, or the manner in which it is to be made, there shall be deducted 10 percent of the gross amount received for timber sold under regular supervision, and 5 percent when the timber is sold in such a manner that little administrative expense by the Indian Bureau is required. Service fees in lieu of administrative deductions shall be determined in a similar manner.

(Act of April 30, 1964, 78 Stat. 186, 187)

[F.R. Doc. 64-11000; Filed, Oct. 28, 1964; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Chesapeake and Delaware Canal, Md.

Pursuant to the provisions of section 1 of an Act of Congress approved April 22,

1940 (54 Stat. 150; 33 U.S.C. 180), § 202.70 is hereby amended redesignating the easterly boundary of a special anchorage area along the Chesapeake and Delaware Canal, Maryland, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.70 Chesapeake and Delaware Canal, easterly of Courthouse Point, Md.

The waters southerly of a line joining the northernmost extremity of Courthouse Point and the westernmost point of Herring Island; westerly of a line bearing 180° from a point on the aforesaid line 220 yards from the westernmost point of Herring Island; and northerly and easterly of the shore line.

[Regs., Oct. 9, 1964, 1507-32 (Chesapeake and Delaware Canal, Md.)-ENGCW-ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

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

[F.R. Doc. 64-11002; Filed, Oct. 28, 1964; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER Q—SPECIFICATIONS

[CGFR 64-67]

PART 162—ENGINEERING EQUIPMENT

Subpart 162.028—Extinguishers, Fire, Portable, Marine Type

PRESSURE GAUGES OR INDICATING DEVICES REQUIRED ON DRY CHEMICAL, STORED PRESSURE, FIRE EXTINGUISHERS; CHANGE IN EFFECTIVE DATE

By virtue of the authority vested in me as Commandant, United States Coast Guard, by section 632 of Title 14, U.S. Code, sections 375, 416 and 481 of Title 46, U.S. Code, and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-38, dated October 26, 1959 (24 F.R. 8857), the Coast Guard document CGFR 64-51, dated August 28, 1964, and published in the FEDERAL REGISTER of September 9, 1964 (F.R. Doc. 64-9093; 29 F.R. 12725, 12726), is amended by changing and advancing the date from "January 1, 1965," to "June 1, 1965," in the paragraphs numbered 1, 2, and 3 of the preamble (3 places). This action is based on an appeal from a manufacturer and is considered appropriate in order to provide a reasonable time interval between the date of publication of the amendment and the date on which it becomes effective.

Dated: October 21, 1964.

[SEAL] W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 64-11023; Filed, Oct. 28, 1964; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

PART 33—SPORT FISHING

Merritt Island National Wildlife Refuge, Florida

On page 13042 of the FEDERAL REGISTER of September 17, 1964, there was published a notice of a proposed amendment to §§ 32.11 and 33.4 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public hunting of migratory game birds and sport fishing on the Merritt Island National Wildlife Refuge, Florida, as legislatively permitted.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with regard to the proposal. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

FLORIDA

Merritt Island National Wildlife Refuge.

* * * * *

2. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

FLORIDA

Merritt Island National Wildlife Refuge.

* * * * *

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i, and Sec. 4, 48 Stat. 402, as amended; 16 U.S.C. 664)

FRANK P. BRIGGS,
Acting Secretary of the Interior.

OCTOBER 23, 1964.

[F.R. Doc. 64-11005; Filed, Oct. 28, 1964; 8:47 a.m.]

PART 32—HUNTING

Big Game Animals, Minnesota; Correction

In F.R. Doc. 64-10483, appearing on page 14174 of the issue for Thursday, October 15, 1964, the following paragraphs should read as follows:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Rice Lake National Wildlife Refuge is permitted from sunrise to sunset November 7 through November 15, 1964, and with bow and arrow only from sunrise to sunset November 28 to December 20, inclusive, only on the area designated by signs as open to hunting. This open area comprising 13,000 acres, is delineated on a map available at refuge headquarters, McGregor, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special conditions:

(1) Hunters may not enter the refuge before 6:00 a.m. daily and must leave the refuge before 6:00 p.m. daily.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 20, 1964.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 22, 1964.

[F.R. Doc. 64-11020; Filed, Oct. 28, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Proposed Limitation on Amount of Casualty or Theft Loss Deduction

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 165 of the Internal Revenue Code of 1954 to section 208 of the Revenue Act of 1964 (78 Stat. 43), and to reflect in § 1.165, statutory provisions; losses, of such Regulations the amendment of section 165(i) by section 3 of the Excise-Tax Rate Extension Act of 1964 (78 Stat. 237), relating to losses arising from confiscation of property by the Government of Cuba, such regulations are amended as follows:

PARAGRAPH 1. Section 1.165 is amended by revising section 165(c)(3), by redesignating section 165(i) as 165(j), by adding a new section 165(i), and by revising the historical note. These amended and added provisions read as follows:

§ 1.165 Statutory provisions; losses.

SEC. 165. *Losses.* * * *

(c) *Limitation on losses of individuals.* * * *

(3) Losses of property not connected with a trade or business, if such losses arise from fire, storm, shipwreck, or other casualty, or from theft. A loss described in this paragraph shall be allowed only to the extent that the amount of loss to such individual arising from each casualty, or from each theft, exceeds $100. For purposes of the $100 limitation of the preceding sentence, a husband and wife making a joint return under section 6013 for the taxable year in which the loss is allowed as a deduction shall be treated as one individual. No loss described in this paragraph shall be allowed if, at the time of filing the return, such loss has been claimed for estate tax purposes in the estate tax return.

* * * * *

(i) *Certain property confiscated by the Government of Cuba*—(1) *Treatment as subsection (c)(3) loss.* For purposes of this chapter, in the case of an individual who was a citizen of the United States, or a resident alien, on December 31, 1958, any loss of property which—

(A) Was sustained by reason of the expropriation, intervention, seizure, or similar taking of the property, before January 1, 1964, by the government of Cuba, any political subdivision thereof, or any agency or instrumentality of the foregoing, and

(B) Was not a loss described in paragraph (1) or (2) of subsection (c),

shall be treated as a loss to which paragraph (3) of subsection (c) applies. In the case of tangible property, the preceding sentence shall not apply unless the property was held by the taxpayer, and was located in Cuba, on December 31, 1958.

(2) *Special rules.* (A) For purposes of subsection (a), any loss described in paragraph (1) shall be treated as having been sustained on October 14, 1960, unless it is established that the loss was sustained on some other day.

(B) For purposes of subsection (a), the fair market value of property held by the taxpayer on December 31, 1958, to which paragraph (1) applies, on the day on which the loss of such property was sustained, shall be its fair market value on December 31, 1958.

(C) For purposes of section 172, a loss described in paragraph (1) shall not be treated as an expropriation loss within the meaning of section 172(k).

(D) For purposes of section 6601, the amount of any tax imposed by this title shall not be reduced by virtue of this subsection for any period prior to February 26, 1964.

(3) *Refunds or credits.* Notwithstanding any law or rule of law, refund or credit of any overpayment attributable to the application of paragraph (1) may be made or allowed if claim therefor is filed before January 1, 1965. No interest shall be allowed with respect to any such refund or credit for any period prior to February 26, 1964.

(j) *Cross references.* (1) For special rule for banks with respect to worthless securities, see section 582.

(2) For disallowance of deduction for worthlessness of securities to which subsection (g)(2)(C) applies, if issued by a political party or similar organization, see section 271.

(3) For special rule for losses on stock in a small business investment company, see section 1242.

(4) For special rule for losses of a small business investment company, see section 1243.

(5) For special rule for losses on small business stock, see section 1244.

[Sec. 165 as amended by secs. 7 and 57 (c)(1), Technical Amendments Act 1958 (72 Stat. 1608, 1646); sec. 202 (a), Small Business Tax Revision Act 1958 (72 Stat. 1676); secs. 208 and 238, Rev. Act 1964 (78 Stat. 43, 128); sec. 3, Excise-Tax Rate Extension Act 1964 (78 Stat. 237)]

PAR. 2. Section 1.165–7 is amended by revising paragraph (a)(1) and by adding a new subparagraph (4) to paragraph (b). These amended and added provisions read as follows:

§ 1.165–7 Casualty losses.

(a) *In general*—(1) *Allowance of deduction.* Except as otherwise provided in paragraphs (b)(4) and (c) of this section, any loss arising from fire, storm, shipwreck, or other casualty is allowable as a deduction under section 165(a) for the taxable year in which the loss is sustained. However, see § 1.165–6, relating to farming losses, and § 1.165–11, relating to an election by a taxpayer to deduct disaster losses in the taxable year immediately preceding the taxable year in which the casualty occurred. The manner of determining the amount of a casualty loss allowable as a deduction in computing taxable income under section 63 is the same whether the loss has been incurred in a trade or business or in any transaction entered into for profit, or whether it has been a loss of property not connected with a trade or business and not incurred in any transaction entered into for profit. The amount of a casualty loss shall be determined in accordance with paragraph (b) of this section. For other rules relating to the treatment of deductible casualty losses, see § 1.1231–1, relating to the involuntary conversion of property.

* * * * *

(b) *Amount deductible.* * * *

(4) *Limitation on certain losses sustained by individuals after December 31, 1963.* (i) Pursuant to section 165(c)(3), the deduction allowable under section 165(a) in respect of a loss sustained—

(*a*) After December 31, 1963, in a taxable year ending after such date,

(*b*) In respect of property not used in a trade or business or for income producing purposes, and

(*c*) From a single casualty

shall be limited to that portion of the loss which is in excess of $100. The nondeductibility of the first $100 of loss applies to a loss sustained after December 31, 1963, without regard to when the casualty occurred. Thus, if property not used in a trade or business or for income producing purposes is damaged or destroyed by a casualty which occurred prior to January 1, 1964, and loss resulting therefrom is sustained after December 31, 1963, the $100 limitation applies.

(ii) The $100 limitation applies separately in respect of each casualty and applies to the entire loss sustained from each casualty. Thus, if as a result of a particular casualty occurring in 1964, a taxpayer sustains in 1964 a loss of $40 and in 1965 a loss of $250, no deduction

is allowable for the loss sustained in 1964 and the loss sustained in 1965 must be reduced by $60 ($100—$40). The determination of whether damage to, or destruction of, property resulted from a single casualty or from two or more separate casualties will be made upon the basis of the particular facts of each case. However, events which are closely related in origin generally give rise to a single casualty. For example, if a storm damages a taxpayer's residence and his automobile parked in his driveway, any loss sustained results from a single casualty. Similarly, if a hurricane causes high waves, all wind and flood damage to a taxpayer's property caused by the hurricane and the waves results from a single casualty.

(iii) Except as otherwise provided in this subdivision, the $100 limitation applies separately to each individual taxpayer who sustains a loss even though the property damaged or destroyed is owned by two or more individuals. Thus, if a house occupied by two sisters and jointly owned by them is damaged or destroyed, the $100 limitation applies separately to each sister in respect of any loss sustained by her. However, for purposes of applying the $100 limitation, a husband and wife who file a joint return for the first taxable year in which the loss is allowable as a deduction are treated as one individual taxpayer. Accordingly, if property jointly owned by a husband and wife, or property separately owned by the husband or by the wife, is damaged or destroyed by a single casualty in 1964, and a loss is sustained in that year by either or both the husband or wife, only one $100 limitation applies if a joint return is filed for 1964. If, however, the husband and wife file separate returns for 1964, the $100 limitation applies separately in respect of any loss sustained by the husband and in respect of any loss sustained by the wife. Where losses from a single casualty are sustained in two or more separate tax years, the husband and wife shall, for purposes of applying the $100 limitation to such losses, be treated as one individual for all such years if they file a joint return for the first year in which a loss is sustained from the casualty; they shall be treated as separate individuals for all such years if they file separate returns for the first such year. If a joint return is filed in the first loss year but separate returns are filed in a subsequent year, any unused portion of the $100 limitation shall be allocated equally between the husband and wife in the latter year.

(iv) If a loss is sustained in respect of property used partially for business and partially for nonbusiness purposes, the $100 limitation applies only to that portion of the loss properly attributable to the nonbusiness use. For example, if a taxpayer sustains a $1,000 loss in respect of an automobile which he uses 60 percent for business and 40 percent for nonbusiness, the loss is allocated 60 percent to business use and 40 percent to nonbusiness use. The $100 limitation applies to the portion of the loss allocable to the nonbusiness loss.

PAR. 3. Section 1.165–8 is amended by revising paragraphs (a)(1) and (c) to read as follows:

§ 1.165–8 Theft losses.

(a) *Allowance of deduction.* (1) Except as otherwise provided in paragraphs (b) and (c) of this section, any loss arising from theft is allowable as a deduction under section 165(a) for the taxable year in which the loss is sustained. See section 165(c)(3).

* * * * *

(c) *Amount deductible.* The amount deductible under this section in respect of a theft loss shall be determined consistently with the manner prescribed in § 1.165–7 for determining the amount of casualty loss allowable as a deduction under section 165(a). In applying the provisions of paragraph (b) of § 1.165–7 for this purpose, the fair market value of the property immediately after the theft shall be considered to be zero. In the case of a loss sustained after December 31, 1963, in a taxable year ending after such date, in respect of property not used in a trade or business or for income producing purposes, the amount deductible shall be limited to that portion of the loss which is in excess of $100. For rules applicable in applying the $100 limitation, see subparagraph (b)(4) of § 1.165–7. For other rules relating to the treatment of deductible theft losses, see § 1.1231–1, relating to the involuntary conversion of property.

[F.R. Doc. 64–11021; Filed, Oct. 28, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 257]

RULES OF PRACTICE AND PROCEDURE FOR NOTICE AND HEARING ON SUBSIDIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of June 12, 1960 (Public Law 86–516; 46 U.S.C. 1401–1413), as amended, it is proposed to adopt 50 CFR Part 257 as set forth below. The purpose of these regulations is to provide procedures for notice and hearing requirements of the United States Fishing Fleet Improvement Act (Public Law 88–498) which was approved August 30, 1964. This Act amended the Act of June 12, 1960, and requires a notice and hearing on certain phases of each application for a subsidy and for permission for a vessel to change fisheries when such vessel has been constructed with the aid of this subsidy.

This proposed regulation relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, whenever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C., 20240, within 20 days of the date of publication of this notice in the FEDERAL REGISTER.

Sec.

AUTHORITY: The provisions of this Part 257 issued under the Act of June 12, 1960 (Public Law 86–516), as amended.

§ 257.1 Basis and purpose.

(a) The Act of June 12, 1960 (Public Law 86–516), as amended by the United States Fishing Fleet Improvement Act (Public Law 88–498) authorizes the Secretary of the Interior to pay a subsidy for the construction of fishing vessels in shipyards of the United States and requires that this be done only after Notice and Hearing.

(b) The purpose of this part is to establish rules of practice and procedure for the notice and hearing.

§ 257.2 Definitions.

Definitions shall be the same as in Part 256 of this subchapter.

§ 257.3 Scope of rules.

The regulations in this part govern the procedure in hearings subject to Part 256 of this subchapter. These hearings are subject to the Administrative Procedure Act (5 U.S.C. 1003, et seq.) and Practice Before The Department of the Interior (43 CFR Part 1). The regulations shall be construed to secure the just, speedy, and inexpensive determination of every proceeding with full protection for the rights of all parties therein.

§ 257.4 Mailing address.

Documents required to be filed in, and correspondence relating to, proceedings governed by the regulations in this part shall be addressed to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C., 20240.

§ 257.5 Authentication.

All rules, orders, determinations, and decisions of the Secretary shall be signed by the Secretary.

§ 257.6 Inspection of records.

The files and records of these hearings, except those held by the Secretary for good cause to be confidential, shall be open to inspection and copying as follows:

(a) All pleadings, motions, depositions, correspondence, exhibits, transcripts of testimony, exceptions, briefs, and decisions in any formal proceeding under this part may be inspected and copied in the office of the Chief, Branch of Loans and Grants, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C., 20240.

(b) Orders, rules, rulings, opinions, determinations, and decisions may be inspected in the office of the Chief, Branch of Loans and Grants, except those held by the Secretary for good cause to be confidential and not cited as precedents.

§ 257.7 Appearance and practice.

(a) A party may appear in person or by an officer, partner or regular employee of the party; by or with counsel or as otherwise permitted by 43 CFR Part 1 in any proceeding under the regulations in this part. A party may offer testimony, produce and examine witnesses, and be heard upon brief and at oral argument if oral argument is granted by the Presiding Officer. Attorneys-at-law who are admitted to practice before the Federal Courts or before the courts of any State or possession of the United States, may represent a party as counsel.

(b) Persons who appear at any hearing shall deliver a written notice of appearance to the official reporter, stating for whom the appearance is being made. The Presiding Officer may require a person making an appearance in a representative capacity to show his authority to act in such capacity. The written appearance shall be made a part of the record.

§ 257.8 Parties.

(a) The term "party" shall include any natural person, corporation, association, firm, partnership, trustee, receiver, cooperative or governmental agency determined by the Presiding Officer as having an interest in the proceedings. A party making an application shall be designated as "applicant." A party whose petition for leave to intervene is granted shall be designated an "intervenor." Only a party as designated in this section may introduce evidence or examine witnesses at hearings.

(b) For an intervenor to prove an interest in the hearings he must show that there is a reason for belief that the operation of the vessel described in the application will cause economic injury or hardship to efficient vessel operators already operating in the fishery in which it is proposed that the vessel be operated.

§ 257.9 Form, execution and service of documents.

(a) All papers to be filed under the regulations in this part shall be clear and legible; and shall be dated, signed in ink, contain the docket description and title of the proceeding and the title, if any, and the address of the signatory. Five copies of all papers are required to be filed. Documents filed shall be executed by (1) the person or persons filing same, (2) by an authorized officer thereof if it be a corporation or, (3) by an attorney or other person having authority with respect thereto.

(b) All documents, when filed, shall show that service has been made upon all parties to the proceeding. Such service shall be made by delivering one copy to each party in person or by mailing by first class mail, properly addressed with postage prepaid. When a party has appeared by attorney or other representative, service on such attorney or other representative will be deemed service upon the party. The date of service of document shall be the day when the matter served is deposited in the United States mail, shown by the postmark thereon, or is delivered in person, as the case may be.

(c) The original of every document filed under this part and required to be served upon all parties to a proceeding shall be accompanied by a certificate of service signed by the party making service, stating that such service has been made upon each party to the proceeding. Certificates of service may be in substantially the following form:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by: (1) Mailing postage prepaid, (2) delivering in person, a copy to each party.

Dated at _____ this _____ day of _____ 19__.

Signature _____

§ 257.10 Notice, pleadings and replies.

(a) After acceptance of an application eligible on its face for construction subsidy or for the transfer of a vessel to a different fishery, the Director, Bureau of Commercial Fisheries, shall publish a notice of hearing in the FEDERAL REGISTER advising that a hearing will be held not less than 30 days after date of such publication and setting the time and place and providing details with respect to such hearing. Any person desiring to intervene and present evidence that the approval of the application will cause economic injury or hardship to efficient vessel operators must file, at least 10 days prior to the date set for the hearing (unless otherwise consented to by the Presiding Officer), a Petition of Intervention setting forth his interest. The hearing will be held in Washington, D.C., unless such a petition is received. If such a petition is received, the Presiding Officer may designate a different hearing site by telegraphic notice to the parties in the proceedings. If no petition to intervene is received, it will not be necessary for the applicant to appear at the hearing if he files all information in writing as required by the Presiding Officer.

(b) All petitions shall be in writing and shall state the petitioner's grounds of interest in the subject matter; the facts relied upon, the relief sought; and shall cite the authority upon which the petition rests. The petition shall be served upon all parties named therein or affected thereby. Answers to petitions must be filed within 5 days of the hearing date, unless otherwise consented to by the Presiding Officer.

(c) Amendments or supplements to pleadings may be allowed or refused in the discretion of the Presiding Officer. The Presiding Officer may direct a party to state its case more fully and in more detail by way of amendment. If a response to an amended pleading is necessary, it may be filed and served within the time set by the Presiding Officer. Amendments or supplements allowed prior to hearing will be served in the same manner as the original pleading.

(d) All motions and requests for rulings shall state the relief sought, the authority relied upon and the facts alleged. If made before or after the hearing, such motions shall be in writing. If made at the hearing, motions may be stated orally: *Provided, however,* that the Presiding Officer may require such motion to be reduced to writing and filed and served in the same manner as a formal motion. Oral argument upon a written motion, in which an answer has been filed, may be granted within the discretion of the Presiding Officer. Answers to a formal motion or pleading shall be filed and served in the same manner as the motion or pleading.

§ 257.11 Duties of Presiding Officer.

The Presiding Officer shall have the authority and duty to:

(a) Take or cause depositions to be taken.

(b) Rule upon proposed amendments or supplements to motions and pleadings.

(c) Regulate the course of the hearings.

(d) Prescribe the order in which evidence shall be presented.

(e) Dispose of procedural requests or similar matters.

(f) Hear and initially rule upon all motions and petitions before him.

(g) Administer oaths and affirmations.

(h) Examine witnesses.

(i) Rule upon offers of proof and receive competent, relevant, material, reliable, and probative evidence.

(j) Exclude irrelevant, immaterial, incompetent, unreliable, repetitious or cumulative evidence.

(k) Exclude cross-examination which is primarily intended to elicit self-serving declarations in favor of the witness.

(l) Limit cross-examination to interrogatories which are required for a full and true disclosure of the facts in issue.

(m) Act upon petitions to intervene.

(n) Act upon submissions of facts or arguments.

(o) Hear arguments at the close of testimony.

(p) Fix the time for filing briefs, motions and other documents to be filed in connection with hearings.

(q) Issue the intial decisions and dispose of any other pertinent matter that normally and properly arises in the course of proceedings.

§ 257.12 Hearing procedure.

(a) Unless authorized by the Presiding Officer, witnesses will not be permitted to read prepared testimony into the record. The evidentiary record shall be limited to factual and expert opinion testimony. Arguments will not be received in evidence but should be presented in opening and/or closing statements or in briefs to the Presiding Officer.

All exhibits and responses to requests for evidence shall be numbered consecutively by the party submitting same and shall be filed with the Presiding Officer if filed during the hearing. If filed at some other time they should be filed in accordance with § 257.4 with one copy also being sent to each party to the hearing.

(b) Normally, the order of presentation at the hearing will be alphabetical in each of the following categories:

(1) Applicant,

(2) Intervenors.

Rebuttal should be presented without any adjournment in the proceedings.

(c) Cross-examination shall be limited, subject to § 257.13(b), to the scope of the direct examination and to witnesses whose testimony is adverse to the party desiring to cross-examine. Only cross-examination which is necessary to test the truth and completeness of the direct testimony and exhibits will be permitted.

(d) A request for oral argument at the close of testimony will be granted or denied by the Presiding Officer in his discretion.

(e) Rulings of the Presiding Officer may not be appealed prior to, or during, the course of the hearings, except in extraordinary circumstances where prompt decision by the Secretary is necessary to prevent unusual delay or expense, in which instance the matter shall be referred forthwith to the Secretary by the Presiding Officer. Any appeal shall be filed within 10 days from the date of the close of the hearing.

§ 257.13 Evidence.

(a) In any proceedings under this part, all evidence which is relevant, material, reliable and probative, and not unduly repetitious or cumulative, shall be admissible. Irrelevant and immaterial or unduly repetitious evidence shall be excluded.

(b) Each party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence; and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(c) At any time during the hearing the Presiding Officer may call for the production of further relevant and material evidence, reports, studies and analyses upon any issue, and require such evidence to be presented by the party or parties concerned, either at the hearing or adjournment thereof. Such material shall be received subject to appropriate motions, cross-examination and/or rebuttal. If a witness refuses to testify or produce the evidence as requested, the Presiding Officer shall forthwith report such refusal to the Secretary.

§ 257.14 The record.

(a) The Director, Bureau of Commercial Fisheries, will designate an official reporter for all hearings. The official transcript of testimony taken, together with any exhibits and briefs filed therewith, shall be filed with the Director, Bureau of Commercial Fisheries. Transcripts of testimony will be available in any proceeding under the regulations of this part, and will be supplied by the official reporter to the parties and to the public, except when required for good cause to be held confidential, at rates fixed by the contract between the United States of America and the reporter. If the reporter is an employee of the Department of the Interior, the rate will be fixed by the Director, Bureau of Commercial Fisheries.

(b) The transcript of testimony and exhibits, together with all papers and requests, including rulings and the initial decision filed in the proceeding, shall constitute the exclusive record for decision. The initial decision will be predicated on this same record, as will the final decision.

§ 257.15 Decisions.

(a) The Presiding Officer is delegated the authority to render initial decisions in all proceedings before him. The same officer who presides at the reception of evidence shall render the initial decision except when such officer becomes unavailable to the Department of the Interior. In such case, another Presiding Officer will be designated by the Secretary to render the initial decision. Briefs, or other documents, to be submitted after the hearing must be received not later than ten (10) days after the hearing unless otherwise extended by the Presiding Officer upon motion by a party. The initial decision shall be made within twenty (20) days after the hearing or the receipt of all briefs, whichever is later. If no appeals from the initial decision are received within ten (10) days of the date of the initial decision, it will become the final decision on the twentieth day following the date of the initial decision. If an appeal is received, the appeal will be transmitted to the Secretary who will render the final decision after considering the record and the appeal.

(b) All initial and final decisions, shall include a statement of findings and conclusions, as well as the reasons or basis therefor, upon the material issues presented. A copy of each decision shall be served on the parties to the proceeding, and furnished to interested persons upon request.

(c) Official notice may be taken of such matters as might be judicially noticed by the courts; or of technical or scientific facts within the general or specialized knowledge of the Department of the Interior as an expert body; or of a document required to be filed with or published by a duly constituted Government body: *Provided*, That where a decision or part thereof rests on the official notice of a material fact not appearing in the evidence of the record, the fact of official notice shall be so stated in the decision and any party, on timely request, shall be afforded an opportunity to show the contrary.

FRANK P. BRIGGS,
Assistant Secretary of the Interior.

OCTOBER 26, 1964.

[F.R. Doc. 64-10929; Filed, Oct. 28, 1964; 8:45 a.m.]

Office of the Secretary

[18 CFR Ch. IV]

OFFICE OF WATER RESOURCES RESEARCH

Notice of Proposed Rules and Regulations

OCTOBER 20, 1964.

Notice is hereby given that, pursuant to section 104 of the Water Resources Research Act of 1964 (Public Law 379, 88th Congress), the Department of the Interior, after consultation with other interested Federal agencies, is now considering prescribing rules and regulations for carrying out the provisions of said Act. These rules and regulations are set forth in tentative form below.

Prior to the final adoption and publication of the rules and regulations, consideration will be given to any comments and suggestions pertaining thereto that are submitted in writing, in duplicate, to the Director, Office of Water Resources Research, U.S. Department of the Interior, Washington, D.C., 20240, within 20 days from the date of publication of this notice in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

Part

PART 501—GENERAL

Sec.

AUTHORITY: The provisions of this Part 501 issued under sec. 104, 78 Stat. 331.

§ 501.1 Purpose.

The regulations in this chapter are issued pursuant to the Water Resources Research Act of 1964 (Public Law 88-379), which authorizes appropriations to, and confers authority upon, the Secretary of the Interior in order to promote a more adequate national program of water research.

§ 501.2 Office of Water Resources Research.

(a) The Office of Water Resources Research has been established as a component of the Department of the Interior. It reports to the Secretary of the Interior and is administered by a Director.

(b) The Secretary has delegated to the Director authority to take the actions and make the determinations that, under the Act, are the responsibility of

the Secretary, except for the issuance of regulations, reporting to the President, and reporting to the Congress. The Director has redelegated to the Associate Director the authority of the Director, to be exercised under his general administrative direction.

§ 501.3 Definition of terms.

As used in this chapter, the term—

(a) "Act" means the Water Resources Research Act of 1964 (Public Law 88–379),

(b) "Allotment" means the funds made available to an institute in a particular fiscal year pursuant to section 100 of the Act and the regulations in this chapter,

(c) "Director" means the Director, Office of Water Resources Research,

(d) "Institute" means a water resources research institute, center, or equivalent agency established in accordance with provisions of Title I of the Act,

(e) "Scientists" includes individuals in any professional discipline including individuals in the life, physical, or social sciences, and engineers,

(f) "Secretary" means the Secretary of the Interior or his authorized representative, and

(g) "State" includes each of the fifty States, and Puerto Rico.

§ 501.4 Allotments to institutes.

(a) Subject to the availability of appropriated funds, an allotment of $75,000 in the first fiscal year, $87,500 in each of the second and third fiscal years, and $100,000 in each fiscal year thereafter will be available to each State to assist in establishing and carrying on the work of an institute.

(b) An institute must be identified with a college or university in a State, unless two or more States cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute.

(c) An institute, as authorized by appropriate State authority, may, and is encouraged to, arrange with other colleges and universities within the State to participate in the institute's work. Such participation will not make the other colleges and universities ineligible for assistance under section 200 of the Act.

(d) Prior to receiving an allotment, each institute must meet certain qualifications prescribed in the Act and the regulations in this chapter.

§ 501.5 Programs of institutes.

(a) It shall be the duty of each institute to plan and conduct or arrange for a component or components of the college or university with which it is identified to conduct—

(1) Competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to water resources, and

(2) Training of scientists through such research, investigations, and experiments.

(b) Such research, investigations, experiments, and training may include, without being limited to:

(1) Aspects of the hydrologic cycle,

(2) Supply and demand for water,

(3) Conservation and best use of available supplies of water,

(4) Methods of increasing such supplies, and

(5) Economic, legal, social, engineering, recreational, biological, geographic, ecological, and other aspects of water problems.

(c) Institutes shall give due regard to:

(1) The varying conditions and needs of the respective States,

(2) Water research projects being conducted by agencies of the Federal and State governments, the agricultural experiment stations, and others,

(3) Advice and assistance as provided by the Secretary pursuant to section 104 of the Act,

(4) Coordination of their programs with programs of other institutes and agencies, and

(5) Avoidance of any undue displacement of scientists elsewhere engaged in water resources research.

(d) An institute may also plan for research, investigations, and experiments to be conducted as part of the institute's program at colleges and universities other than the college or university with which the institute is identified. For purposes of financial management, reporting, and other research program management and administration activities, the institute shall be responsible for performance of the activities of other participating colleges and universities. The activities of participating colleges and universities must meet all of the requirements (such as scope of work, qualifications, coordination with other research) that are applicable to other portions of an institute's program.

§ 501.6 Grants to institutes of matching funds for specific projects.

(a) Section 101 of the Act provides for grants to institutes with the condition that such grants be matched on not less than a dollar-for-dollar basis with funds from States or other non-Federal sources. Appropriations are authorized in the following amounts:

Fiscal year:	*Amount*
1965	$1,000,000
1966	2,000,000
1967	3,000,000
1968	4,000,000
1969 and each following year	5,000,000

(b) Subject to the availability of appropriations, such matching grants may be made to provide funds to meet the necessary expenses of specific water resources research projects, including the expenses of planning and coordinating regional water resources research projects by two or more institutes, if the projects for which such grants are sought—

(1) Could not otherwise be undertaken were it not for the Federal grant, and

(2) Are approved by the Director on the basis of—

(i) Merit of the project,

(ii) Need for the knowledge it is expected to produce when completed, and

(iii) The opportunity it provides for the training of scientists.

§ 501.7 Grants to, and contracts, matching or other arrangements with entities other than institutes.

(a) Grants, contracts, matching or other arrangements may be made, pursuant to section 200 of the Act, for research into any aspects of water problems related to the mission of the Department of the Interior that are not otherwise being studied, when such research is deemed desirable by the Director.

(b) Subject to the availability of appropriated funds, such grants may be made to, or contracts, matching or other arrangements made with, any of the following:

(1) Educational institutions (other than those establishing institutes under Title I of the Act),

(2) Private foundations,

(3) Other institutions,

(4) Private firms,

(5) Individuals,

(6) Local government agencies,

(7) State government agencies, or

(8) Federal Government agencies.

PART 502—REQUESTS FOR ALLOTMENTS TO INSTITUTES

Sec.

502.1 Initial allotment.

502.2 Allotments after first fiscal year.

AUTHORITY: The provisions of this Part 502 issued under sec. 104, 78 Stat. 331.

§ 502.1 Initial allotment.

In order to obtain an initial allotment, an institute should submit to the Director, Office of Water Resources Research, Department of the Interior, Washington, D.C., 20240, a request (in six copies) containing the following information:

(a) Evidence that the institute conforms to the requirements of subsection 100(a) of the Act in that—

(1) The institute has been established at the college or university in the State that was established in accordance with the Act of July 2, 1862 (12 Stat. 503) or, if established at some other institution, the institute is at a college or university that has been designated by act of the legislature of the State for the purposes of section 100 of the Act, or

(2) If there is in the State more than one college or university established in accordance with the Act of July 2, 1862 and no designation has been made by act of the legislature of the State for the purposes of section 100 of the Act, the institute has been established at the one such college or university designated by the Governor of the State to receive the allotment, or

(3) The institute has been designated as an interstate or regional institute by two or more States in cooperation as provided by section 100 of the Act.

(b) Evidence of the appointment by the governing authority of the institute of an officer to receive and account for all funds paid under the provisions of the Act and to make annual reports to the Secretary on work accomplished and the status of projects under way, together with a detailed statement of the amounts received under any provision of the Act during the preceding fiscal year,

and of its disbursement, on schedules prescribed by the Secretary.

(c) Evidence that the institute has plans for, and will conduct or arrange for a component or components of the college or university with which it is identified to conduct—

(1) Competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to water resources, and

(2) The training of scientists through such research, investigations, and experiments.

(d) Names of other colleges or universities, if any, within the State with which arrangements have been made for their participation in the work of the institute, with indication of the nature and extent of such participation and an explanation of the arrangements by which such participation becomes a part of the work of the institute.

(e) Evidence that the institute has, or may reasonably be expected to have, the capability of doing effective work in one or more of the various water resources research activities contemplated by the Act, which evidence shall include:

(1) The proposed general plan of operation of the institute showing its organization and a summary of the institute program activities, by project or other appropriate headings, which includes information concerning the substantive character and the anticipated magnitude, in man-years, of proposed activities,

(2) Description of facilities to be utilized,

(3) A list of staff personnel with specific details as to academic and professional training, research experience, and other pertinent qualifications, and the time they will devote to research, training, or other activities of the institute,

(4) The money, facilities, services, property, and other contributions, from sources other than the annual allotment of Federal funds, that will be available to the institute in the initial fiscal year.

(f) Evidence that the institute is giving due regard to

(1) Water research projects being conducted by agencies of the Federal and State governments, the agricultural experiment stations, and others,

(2) Avoidance of any undue displacement of scientists elsewhere engaged in water resources research,

(3) Water resources conditions and needs of the State (or States, in the case of a regional institute) as ascertained by consultation with appropriate State officials and by other means,

(4) Advice and assistance as provided by the Director pursuant to Section 104 of the Act and section 501.2 of this chapter, and

(5) Coordination of its program with programs of other institutes and agencies.

(g) An agreement, in a form approved by the Secretary and the Attorney General, that all information, uses, products, processes, patents, and other developments resulting from any scientific or technological research or development activity financed with funds supplied pursuant to the Act will (with such exceptions and limitations as the Secretary may determine, after consultation with the Secretary of Defense, to be necessary in the interest of the national defense) be made freely and fully available to the general public.

(h) A financial plan relating expenditures to scheduled activity and rate of effort to be expended, and indicating the times at which there will be need for specified amounts of allotted Federal funds.

(i) An appropriate "Notice of Research Project," and supplementary documentation as may be requested by the Director, for each separately identifiable research project the institute proposes to undertake during the year, for submission, when the allotment is approved, to the Science Information Exchange for publication in a catalog of water resources research.

§ 502.2 Allotments after first fiscal year.

After the first fiscal year, in order to obtain an allotment, an institute should submit to the Director a request (in six copies) containing the following information:

(a) All amendments, deletions, and additions to previously submitted information that are necessary to make it currently applicable,

(b) Evidence that all reports due under Part 506 of this chapter have been submitted,

(c) Evidence that any moneys received by the institute under the Act that have been found by the Director to have been improperly diminished, lost, or misapplied have been replaced, and safeguards have been established by the institute that will assure proper handling of funds received under the Act in the future,

(d) An outline explaining any changes in its program the institute plans to make during the forthcoming fiscal year,

(e) A financial plan relating expenditures to scheduled activity and rate of effort to be expended, and indicating the times at which there will be need for specified amounts of allotted Federal funds,

(f) Evidence that the institute's program is effective and is giving due regard to:

(1) Water research projects being conducted by agencies of the Federal and State governments, the agricultural experiment stations, and others,

(2) Avoidance of ay undue displacement of scientists elsewhere engaged in water resources research,

(3) Water resources conditions and needs of the State (or States, in the case of a regional institute) as ascertained by consultation with appropriate State officials and by other means,

(4) Advice and assistance as provided by the Director pursuant to Section 104 of the Act and Section 501.2 of this chapter, and

(5) Coordination of its program with programs of other institutes and agencies.

PART 503—APPLICATIONS FOR GRANTS, CONTRACTS, MATCHING OR OTHER ARRANGEMENTS

Sec.

AUTHORITY: The provisions of this Part 503 issued under sec. 104, 78 Stat. 331.

§ 503.1 Applications by institutes for grants of matching funds for specific projects.

(a) *Manner of submission.* An application for a matching grant under section 101 of the Act for a specific water resources research project should be submitted by an institute in 15 copies to the Director, Office of Water Resources Research, Department of the Interior, Washington, D.C., 20240.

(b) *Definition of funds eligible for matching.* Non-Federal funds which may be used to match a grant of Federal funds, on not less than a dollar-for-dollar basis, are those that have been or will be made available to an institute by State or other non-Federal sources during the duration of the project for which the grant is sought to meet the necessary expenses of a specific water resources research project, including the expenses of planning and coordinating regional water resources projects by two or more institutes. The fair value of services, facilities, property, or other contributions supplied from non-Federal sources, but excluding the cost of permanent buildings, may also be included. Title requirements for property purchased with non-Federal funds and used to match grants under the Act are set forth in section 505.5 of this chapter.

(c) *Information required with application.* Applications for matching grants shall be in the form of proposals to undertake specific water resources research projects. Such proposals shall set forth for each project—

(1) The nature and scope of the project to be undertaken,

(2) The period during which it will be pursued,

(3) The name and qualifications of the person who will direct the project,

(4) The number and general qualifications of the personnel who will work on the project, with the name, education, experience, and accomplishments of the principal scientist who will be assigned to it,

(5) The location or locations at which the project will be pursued,

(6) The importance of the project to the water economy of the Nation, the region, and the State concerned,

(7) The relation of the project to the over-all program of the institute,

(8) The relation of the project to other known research projects theretofore pursued or currently being pursued by the institute and by others (including but not limited to projects listed by the Science Information Exchange),

(9) The extent to which the project will provide opportunity for the training of scientists,

(10) A financial plan setting forth cash requirements, subdivided between grant and non-Federal funds—

(i) For each quarter of the first fiscal year, and

(ii) For each subsequent fiscal year during the proposed life of the project,

(11) The facilities that will be devoted to the project,

(12) The salient points of the plan that will be followed in pursuing the project, including a financial plan in which expenditures are related to activity and rate of effort to be expended,

(13) The intended method of publishing the results of the project on a timely basis,

(14) The basis for a determination that the project could not be undertaken without the grant for which application is made,

(15) That all reports due under part 506 of this chapter have been submitted,

(16) The names of other colleges or universities, if any, within the State with which arrangements have been made for their participation in the project, with indication of the nature and extent of such participation, an explanation of the arrangements by which such participation becomes a part of the work of the institute, and an acknowledgment of the institute's responsibility for the planning, work performance, and reporting for the entire project,

(17) Assurance that, if the grant is made, the required matching funds from non-Federal sources will be forthcoming, and

(18) Information as to whether the project has been or will be submitted to organizations other than the Office of Water Resources Research for the purpose of obtaining a contract or grant, with the names of any such organizations. Similar information, with the part (or parts) of the project appropriately identified, shall be provided when only a part (or parts) of the project has been or will be submitted to another organization.

(d) *Additional requirement.* There must be attached to the application an appropriate "Notice of Research Project", and supplementary documentation information as may be requested by the Director, for submission, if the project is approved, to the Science Information Exchange for publication in a catalog of water resources research.

§ 503.2 Applications for research grants, contracts, matching or other arrangements by entities other than institutes.

(a) *Eligible applicants.* Individuals and organizations other than an institute established under Title I of the Act and the educational institution with which the institute is identified are eligible to apply for Federal funds under section 200 of the Act to assist them in undertaking research into any aspects of water problems related to the mission of the Department of the Interior that are not otherwise being studied.

(b) *Manner of submission.* An application should be submitted in 15 copies to the Director, Office of Water Resources Research, Department of the Interior, Washington, D.C., 20240. A separate application must be submitted for each project. If an application is signed by an authorized representative of an applicant, evidence of the authority of the representative must be attached.

(c) *Information required with application.* (1) If the applicant is an individual, the application should include a statement in reasonable detail of his education, experience, accomplishments, and special qualifications for conducting the project for which application is being made.

(2) If the applicant is an organization, the application should include a statement as to its nature, officers, principal business, experience, and special qualifications for conducting the project for which application is being made.

(3) Each application shall also set forth the information specified in § 503.1 (c) and (d) to the extent applicable. (There is no requirement that matching funds be supplied from non-Federal sources in order to receive assistance under section 200 of the Act.)

PART 504—APPROVAL OF ALLOTMENTS AND APPLICATIONS

Sec.

AUTHORITY: The provisions of this Part 504 issued under sec. 104, 78 Stat. 331.

§ 504.1 Return of defective submissions.

(a) Upon receipt of a request for approval of an allotment or upon receipt of an application for a grant, contract, matching or other arrangement pursuant to the Act, the Director shall determine whether the submission conforms to the requirements of Part 502 or Part 503 of this chapter as appropriate. Non-conforming submissions will be returned with statements of the reasons for their return.

§ 504.2 Approval of initial allotments to institutes.

The Director will approve the initial allotment to an institute when he has determined that the institute—

(a) Has been organized in conformity with subsection 100(a) of the Act,

(b) Has, or may reasonably be expected to have, the capability of doing effective work under the Act.

(c) Is committed to a program of work and a plan of operation that conform with the provisions of the Act and provide for activities that will not duplicate established water research programs, and

(d) Has a financial plan in which proposed expenditures have a reasonable relationship to the probable value of the results of the institute's activities.

§ 504.3 Approval of allotments to institutes after the first year.

(a) Each fiscal year after the first, the Director will approve an allotment to an institute when he has determined that the institute—

(1) Has, since receiving its preceding allotment, undergone no changes in its form of organization, finances, and plan of operation that disqualify it for an allotment pursuant to section 100 of the Act,

(2) Has submitted, in satisfactory form, all reports required in Part 506 of this chapter,

(3) Is committed to a program of work and a plan of operation that conform to the provisions of section 100 of the Act and provide for activities that will not duplicate established water research programs,

(4) Is engaged in, and is committed to, a program of research, investigations, and experiments and the training of scientists through such activities that represent competent and effective work of the types and in the manner provided for in the Act,

(5) Has properly accounted for all funds received pursuant to the Act and, if the Director has determined that any portion of such funds were improperly diminished, lost, or misapplied, has replaced them and supplied evidence that it has instituted safeguards that will assure proper handling of funds received under the Act in the future, and

(6) Has a financial plan in which proposed expenditures have a reasonable relationship to the probable value of the results of the institute's activities.

(b) In evaluating the plans of an institute, the Director will give due regard to the varying conditions and needs of the respective States.

§ 504.4 Approval of grants to institutes of matching funds for specific projects.

(a) The Director will approve an institute's application for a matching-fund grant under section 101 of the Act to assist in financing a specific project after determining that—

(1) The applicant is a qualified institute,

(2) Satisfactory assurance has been furnished that funds from non-Federal sources that will be devoted to the project will equal or exceed the amount of the proposed matching grant, and

(3) The proposed project is deserving of approval on the basis of its over-all merits, including consideration of—

(i) The need for the knowledge it is expected to produce when completed,

(ii) The opportunity it provides for the training of scientists,

(iii) The probability that it will be pursued with competence and completed within a reasonable time,

(iv) The relationship between the amount of the grant and the probable results to be achieved,

(v) Freedom from unnecessary duplication of work being performed by others, and

(vi) Evidence that the proposed project could not be undertaken without the aid of the requested grant.

(b) When the Director has determined that a grant should be made to an institute for a matching-fund project, he will draft and sign a proposed grant agreement setting forth the terms and conditions of the grant, including the commitments that the institute will fulfill, and forward five copies of it to the institute.

(c) The institute shall sign and return to the Director three copies of the grant agreement and thereafter submit public vouchers for payment in accordance with the terms of the grant agreement.

(d) If the proposed grant agreement is not formally signed by the institute and returned to the Director within 30 days, the proposed agreement may be withdrawn by the Director.

§ 504.5 Approval of grants to, and contracts, matching or other arrangements with, entities other than institutes established pursuant to the Act.

The Director may approve proposals submitted under section 200 of the Act and § 503.2 of this chapter after determining that—

(a) The applicant for such grant, contract, matching or other arrangement is a bona fide individual or organization, other than an institute established pursuant to the Act or the educational institution identified with such an institute, that has qualifications to perform work contemplated by section 200 of the Act,

(b) The proposal was properly signed by the applicant or its duly authorized agent,

(c) The work to be undertaken represents research into aspects of water problems related to the mission of the Department of the Interior,

(d) Such research is desirable and covers aspects of water problems not otherwise being studied,

(e) A reasonable relationship exists between the cost to the Government and the probable results to be achieved, and

(f) The applicant has expressed a willingness to enter into a research project agreement acceptable to the Director.

PART 505—FISCAL AND ACCOUNTING

Sec.

AUTHORITY: The provisions of this Part 505 issued under sec. 104, 78 Stat. 331.

§ 505.1 Procedure for obtaining payments.

(a) *Allotments.* (1) After determining that an institute's qualifications and plans are acceptable, the Director will prepare and forward to the institute public vouchers that it may sign and return for certification by the Director and payment. Each voucher will be in five copies. Two copies may be retained by the institute; three must be returned to the Director.

(2) The amounts and dates of such vouchers will be those that the Director decides, on the basis of the financial plan and reports the institute has submitted, will provide funds as they are needed by the institute to liquidate the liabilities it expects to incur.

(b) *Grants.* (1) After the grant agreement has been formally signed, payments of grant funds to the grantee will be made on public vouchers prepared, signed, and submitted by the grantee in three copies to the Director. Such vouchers will provide for amounts to be paid to the grantee as funds are required for the liquidation of liabilities the grantee expects to incur pursuant to the terms of the grant.

(2) In support of each such voucher the grantee will relate it to the approved financial plan.

(3) In the case of matching grants, the grantee will also submit evidence that a proper relationship is being maintained between expenditures of grant and non-Federal funds.

(c) *Contracts and other arrangements.* Individuals and organizations that conduct research under contracts or other arrangements pursuant to section 200 of the Act will submit to the Director, not more frequently than monthly, public vouchers in three copies, claiming payment or reimbursement as called for by the terms of the contract or other arrangement. Such vouchers shall detail deliveries, performance, expenditure or such other criteria for payment as are required by or are appropriate under the contract or other arrangement. Educational institutions and non-profit organizations may obtain advance payments of initial expenses upon submission of a voucher in three copies when, in the opinion of the Director, such payment is necessary to facilitate the work being done under contracts or other arrangements pursuant to the Act.

§ 505.2 Cost computation principles.

(a) *Applicability to allotments and grants.* The cost-computation principles prescribed in this section shall be utilized in the cost accounting required with respect to allotments and grants under the Act to provide evidence that the recipient has discharged the obligation it assumed, when accepting these funds, to expend them solely for costs necessary for the accomplishment of the work for which they were received. These principles will also be applied in accounting for funds from other sources to the extent that such funds are applied to meet the requirement that grants be matched with non-Federal funds.

(b) *Applicability to contracts.* Computation of costs in accordance with the principles prescribed in this section is a prerequisite of payments from funds provided under the Act to a contractor under cost-reimbursement-type contracts. Such cost computation is also necessary for fixed-price contracts if they are terminated prior to completion or contain price-redetermination, renegotiation, or similar clauses.

(c) *Basic cost formulas.* Costs will be computed:

(1) By institutes and educational institutions, in accordance with Bureau of the Budget Circular A–21, as revised, except as provided in section 505.3.

(2) By all entities other than educational institutions and institutes, in accordance with the Federal Procurement Regulations (second edition) (Title 41, Code of Federal Regulations, Subpart 1–15.2) (29 F.R. 10288), except as provided in § 505.3.

§ 505.3 Capital and related expenditures.

(a) In no instance shall the Director approve payments pursuant to the Act which include any amounts representing, either directly or indirectly, the cost of permanent buildings. In no instance shall recipients of funds pursuant to the Act use such funds either directly or indirectly to pay the cost of permanent buildings.

(b) Payments received pursuant to the Act may be applied to capital expenditures, other than for permanent buildings, to the extent that such expenditures are provided for in plans for projects and other activities that have been approved by the Director.

§ 505.4 Credits against cost and repayments to the Government.

(a) Incidental income resulting from operations: (1) Income resulting from the work financed by allotments, grants, contracts, and other arrangements under the Act may be added to the funds in the hands of the allottee, grantee, or contractor and used for expenses of water resources research activities. Examples of such income are: Proceeds from the sale of scrap, water and other material produced as a by-product of, or remaining after use in, research activities; sale of, or royalties on, publications; etc. It is a responsibility of those receiving Federal funds under the Act to realize such incidental income to the maximum extent possible consistent with the purposes of the Act.

(2) In instances in which such incidental income results from joint expenditures of funds provided by the Act and of funds from other sources, such income shall be credited to their various sources in the ratio in which each contributed to the generation of the incidental income.

(b) Any interest earned on any funds received as allotments or grants under the Act shall accrue to the benefit of the United States and each institute or grantee shall submit as a part of its annual report a statement showing the amount of such interest earned during the period covered by the report.

(c) In the event an institute is dissolved or a research project conducted under a grant is completed or terminated prior to completion, all funds provided under the Act that remain in the hands of the allottee or grantee after liquidation of the costs chargeable to the allotment or grant will be returned to the Director.

(d) Similarly, any supplies and equipment or other assets that were purchased with funds provided under the Act as allotments may be disposed of by the Director at his discretion upon dissolution of an institute or, if purchased with grant funds, upon completion or termination of the project for which the funds were furnished.

§ 505.5 Title to property.

(a) Title to property purchased with Federal funds allotted to institutes pursuant to section 100 of the Act shall be in the name of the institute and not that of the State or the college or university with which the institute is identified. However, in instances in which a formal document evidencing title is prepared, and State law precludes its issuance in the name of the institute, titles such as the following will be satisfactory:

---------- University [or ---------- State] for the use and benefit of the ---------- Water Resources Research Institute.

(b) Title to property purchased with funds from non-Federal sources used to match grants under section 101 of the Act, shall, similarly, be vested in, or held for the use and benefit of, the institute. In the case of property purchased with non-Federal funds that is applied to meet matching requirements for grants under section 200 of the Act, title shall be vested in the grantee.

(c) In the case of reimbursement-type contracts, the title of property shall pass to and vest in the Government.

(1) Upon its delivery to the contractor if its purchase is paid for with funds supplied under the Act or the cost is reimbursable to the contractor from such funds, or

(2) Upon issuance of such property for use in the performance of the contract, or commencement of processing or use of such property in the performance of the contract, or reimbursement of the cost thereof by the Government, whichever first occurs.

(d) Title to property purchased with grant funds made available either under section 101 or under section 200 of the Act shall vest in the Government when acquired by the grantee, unless the grantee is a non-profit institution of higher education or a non-profit organization whose primary purpose is the conduct of scientific research and the Director determines that vesting title in such grantee would further the objectives of the Act.

§ 505.6 Accounting records.

(a) The officers of institutes appointed in compliance with section 102 of the Act, and appropriate officials of entities other than institutes, that receive funds under the Act, shall be responsible for maintaining books of account that clearly, accurately, and currently reflect the financial transactions involving allotments, grants, contracts, and other arrangements financed under the Act and also transactions financed with matching funds from sources other than the Federal Government. In addition, they shall maintain files of all papers necessary to explain and prove the validity of the transactions recorded.

(b) Such records, with all supporting and related documents shall, at all reasonable times, be made available, upon request, for inspection and audit by representatives of the Director and of the Comptroller General of the United States.

(c) Records relating to each allotment and each grant shall be retained and made available until the expiration of three years after the allottee's or grantee's last disbursement of such funds. Records with respect to contracts shall be retained and made available until the expiration of three years after the last payment thereunder was received by the contractor.

(d) The books and records maintained shall include a record of all property

(1) Received from the Federal Government,

(2) Charged as a cost of activities financed with funds provided by the Act,

(3) Included in costs paid with non-Federal funds to match grant funds, and

(4) Included in reimbursable costs under cost-reimbursement-type contracts.

(e) An accountability record shall be maintained for all items of such property that are nonexpendable and have an acquisition cost of $100 or more.

(f) Institutes, grantees, and contractors shall include the following provision in any contract or subcontract for services, equipment, or supplies they make that requires payments exceeding $2,500 from funds furnished under the Act or non-Federal funds used to match such Federal funds:

Representatives of the Director of the Office of Water Resources Research or of the Comptroller General of the United States shall, until the expiration of three years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers, and records relating to this contract.

For the purposes of this requirement, contracts or subcontracts for public utility services at rates established for uniform applicability to the general public are excluded.

PART 506—PROGRESS AND ACCOMPLISHMENT REPORTS

Sec.

AUTHORITY: The provisions of this Part 506 issued under sec. 104, 78 Stat. 331.

§ 506.1 Project completion or termination reports.

(a) Recipients of funds under the provisions of sections 100, 101, and 200 of the Act are encouraged to publish, as technical literature, the findings, results, and conclusions relating to separately identifiable research projects undertaken pursuant to the Act. Fifty copies of such documents shall be furnished to the Director, together with supplementary information suitable for project documentation purposes.

(b) If a publication such as is described in paragraph (a) of this section has not been prepared with respect to a specific research project, recipients of funds under the provisions of sections 100, 101, and 200 of the Act shall, in conjunction with the completion or termination of the project, prepare a report which sets forth the findings, results, and conclusions relating to such project. Fifty copies of the report shall be furnished to the Director, together with supplementary information suitable for project documentation purposes.

§ 506.2 Annual reports by institutes.

(a) On or before September 1 of each year, each institute shall make an annual report relating to its program and activities conducted pursuant to sections 100 and 101 of the Act, for the year ending June 30, to the Director, in fifteen copies, which provides information as indicated in paragraphs (b), (c), and (d) of this section.

(b) Relating to the institute's program conducted pursuant to an allotment of funds and section 100 of the Act, the report shall provide—

(1) For each separately identified research project that was included as a part of the institute's annual program—

(i) A description of research performed and any findings, results, or conclusions relating thereto,

(ii) Supplementary information suitable for project documentation purposes,

(iii) A listing of any project-related publications or reports issued and papers prepared (with copies of such publications, reports, or papers being attached to each copy of the annual report),

(iv) In lieu of the information requested in subdivisions (i), (ii), and (iii) of this subparagraph (1), an appropriate reference to a project completion or termination report which contains similar information and which was submitted to the Director in accordance with the provisions of § 506.1, and

(v) Statements of project work remaining to be accomplished,

(2) A description of any other activities or work accomplished or remaining to be accomplished by the institute, including reports or publications issued and presented but not previously covered in subparagraph (1) of this paragraph (b),

(3) A record of training of scientists, and

(4) The nature and extent of activities conducted in cooperation with other institutes and research organizations.

(c) Relating to projects carried on pursuant to matching-fund grants and section 101 of the Act, the report shall provide, separately, for each project—

(1) Information similar to that prescribed in paragraph (b) above, and

(2) Other information relating to the project, as deemed appropriate by the institute.

(d) Relating to funds, the report shall provide detailed statements of the amounts received under the Act, and the disbursements thereof, on schedules prescribed by the Director—

(1) For the institute's annual program carried on pursuant to an allotment of funds under section 100 of the Act, and

(2) For each project carried on pursuant to a matching-fund grant under section 101 of the Act.

(e) In addition to information provided in their annual reports as pre-

scribed above, institutes are encouraged to add a report section which provides general accounts of other significant or interesting water resources research developments and prospects, and analyses of local, State, regional or national water needs in relation to the program of the institute.

§ 506.3 Annual reports by entities other than institutes.

(a) On or before September 1 of each year each entity that has received funds under section 200 of the Act shall make a report relating to its activity for the year ending June 30 and submit such report to the Director, in fifteen copies. If there was more than one grant, contract, matching, or other arrangement in effect with the entity during the year covering more than one specific research project, the annual report shall be made up of separate sections, one for each such project, which provide—

(1) A description of research accomplished and the findings, results, and conclusions relating thereto,

(2) Supplementary information suitable for project documentation purposes,

(3) A listing of project-related publications or reports issued and papers presented (with copies of such publications being attached to each copy of the annual report),

(4) Statements of project work remaining to be accomplished,

(5) The nature and extent of activities conducted in cooperation with institutes or other research organizations, and

(6) A detailed statement of the amounts received during the year under grant, contract, matching, or other arrangement, and disbursements thereof, on schedules prescribed by the Director.

(b) If the entity has submitted to the Director a project completion or termination report in accordance with the provisions of section 506.1 of this chapter, the entity make make, in lieu of providing the information requested in subparagraphs (1), (2), and (3) of paragraph (a) of this section, an appropriate reference to such project completion or termination report.

§ 506.4 Special reports.

All organizations and individuals receiving funds under grants, contracts, or other arrangements pursuant to the Act shall submit such reasonable special or interim reports as may from time to time be specifically requested by the Director.

§ 506.5 Annual reports to the Congress.

Each year the Director shall prepare a recommended report suitable for transmission by the Secretary to the Congress, which report shall—

(a) Summarize the receipts and expenditures and work of the institutes in all States and of others that have received funds under the provisions of the Act,

(b) Indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor, and

(c) Summarize the advice and comments relative to needs and problems of the program authorized by the Act as such advice and comments may have been expressed by institutes and in the consultations described in Part 507 of this chapter, together with advice relative to the overall program secured by the Director from a special panel constituted by the Director for that purpose, which panel shall be composed of outstanding scientists, engineers, and laymen experienced in public affairs related to water resources.

§ 506.6 Acknowledgment of Federal Government participation.

Appropriate acknowledgment shall be given by institutes, grantees, and contractors to the Department of the Interior's participation in financing research carried out under provisions of the Act. Such acknowledgment shall be included in publications, news releases, and other information media developed by institutes and others to publicize, describe or report upon research activities and accomplishments carried out in whole or in part with funds received under provisions of the Act.

PART 507—CONSULTATION AND COORDINATION

Sec.
507.1 Cooperation.
507.2 Advice, assistance, and coordination.
507.3 Consultations.
507.4 Cooperation with cataloging center.

AUTHORITY: The provisions of this Part 507 issued under sec. 104, 78 Stat. 331.

§ 507.1 Cooperation.

The Director shall encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

§ 507.2 Advice, assistance, and coordination.

The Director shall furnish such advice and assistance as will best promote the purposes of the Act, participation in coordinating research initiated under the Act by the institutes, and indicate to them such lines of inquiry as to him seem most important.

§ 507.3 Consultations.

The Director shall consult with and obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with water problems, of State and local governments, and of private institutions and individuals, to—

(a) Assure that the programs authorized by the Act will not duplicate established water research programs,

(b) Stimulate research in otherwise neglected areas,

(c) Contribute to a comprehensive, nationwide program of water and related resources research, and

(d) Obtain assistance in evaluating programs of the institutes, proposals for grants, contracts or other arrangements, reports of work, and the activities carried on pursuant to the Act.

§ 507.4 Cooperation with cataloging center.

The Director will cooperate with the cataloging center (established in such agency and location as the President determines to be desirable) by providing information to the center on work underway or scheduled pursuant to provisions of the Act, and otherwise as appropriate for the purpose of improving communication of information on water resources research. Such information will be used for cataloging current and projected scientific research in all fields of water resources.

PART 508—AUDITS AND INSPECTIONS

Sec.
508.1 Introduction.
508.2 Audits.
508.3 Inspections.

AUTHORITY: The provisions of this Part 508 issued under sec. 104, 78 Stat. 331.

§ 508.1 Introduction.

Representatives of the Director and of the Comptroller General of the United States may conduct on-site audits and inspections of institutes and other entities which have received Federal funds pursuant to the Act.

§ 508.2 Audits.

Audits conducted at the direction or on behalf of the Director will extend to a determination and appropriate finding of fact concerning compliance with the provisions of the Act, the regularity and accuracy of financial transactions and recording, adequacy of property accountability and internal control, and reliability of financial reporting. As a part of such audits, examinations will be made on a selective basis to determine that matching funds (as defined in section 503.1 of this chapter) have been received and properly expended by recipients of matching-fund grants under the Act and that grantees maintain a proper relationship between costs paid with funds from non-Federal sources and with matching grant funds provided under the Act. Professional audit techniques will be applied and accepted principles of business administration will be the governing criteria.

§ 508.3 Inspections.

In relation to the substantive scientific research operations of allottees, grantees, contractors and others, the Director may, with such personnel as he considers qualified and with such procedures as he determines to be suitable, perform inspections of activities authorized and financed pursuant to the Act. Such inspections will cover acceptability of progress, consistency with approved plans, and other factors the Director deems important to enable him to discharge his responsibilities for achievements consistent with purposes of the Act.

[F.R. Doc. 64-11062; Filed, Oct. 28, 1964; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 41]

STANDARD CONTAINERS

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering the addition of a new § 41.6–2 and the revision of §§ 41.6, 41.11, and 41.19 of the regulations (7 CFR §§ 41.1 through 41.22) effective under the United States Standard Container Act of 1916 (39 Stat. 673, et seq., as amended; 15 U.S.C. §§ 251–256) and the United States Standard Container Act of 1928 (45 Stat. 685, et seq., as amended; 15 U.S.C. §§ 257–257i).

The proposed addition to and revision of the regulations is necessary because of an amendment to the Act of 1928, effective August 30, 1964. The changes are intended to carry out the purpose of the amendment which adds five new sizes of baskets and hampers and also provides that containers under the Act of 1928 be stamped or marked as to capacity.

All persons who desire to submit written data, views, or comments concerning the proposed amendments should file the same, in quadruplicate, with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed changes are as follows:

1. The heading preceding § 41.6 is changed from "Marking Requirements—Act of 1916" to "Marking Requirements."

2. Section 41.6 is renumbered § 41.6–1 and the heading for this section is changed to read:

§ 41.6–1 Marking requirements for 1-pound climax baskets; act of 1916.

3. A new § 41.6–2 is added to read as follows:

§ 41.6–2 Marking requirements for containers; act of 1928.

All containers covered by this Act shall be clearly stamped or marked with ink to show their capacity in bushels or quarts. The numbers and letters in the marking shall be not less than three-eighths of an inch in height or 36 point type size. The marking or stamping of the capacity shall be placed on the exterior of a side of the container at a position where it will be easily discernible.

4. Amend § 41.11 to read:

§ 41.11 Certification of specifications.

After approval of the dimensions specifications by the Director, a certificate will be issued to the manufacturer with a factory identification number which may be used in marking the container covered by the certificate. The marking of containers with capacity in quarts or bushels as required in the Act of 1928 must comply with § 41.6–2 of these regulations. The container may be marked in the following style:

708
U.S.
4 Qts.

5. Amend § 41.19 to read:

§ 41.19 Table 2: Schedule of capacity tolerances allowed under the Act of 1928.

	Tolerances	
	Excess	Deficiency
	Cubic inches	*Cubic inches*
⅛ bushel (2 quarts)	5	2½
¼ bushel (4 quarts)	10	5
½ bushel (8 quarts)	16	8
11 quart basket	21	11
¾ bushel (12 quarts)	23	12
14 quart basket	26	13
⅞ bushel (16 quarts)	30	15
1⅛ bushel (20 quarts)	36	18
1¼ bushel (24 quarts)	40	20
1⅜ bushel (28 quarts)	45	23
1 bushel (32 quarts)	50	25
1⅛ bushel (36 quarts)	54	27
1¼ bushel (40 quarts)	58	29
1½ bushel (48 quarts)	65	33

(Sec. 4, 39 Stat. 674; 15 U.S.C. § 255 and sec. 9, 45 Stat. 687; 15 U.S.C. 257h)

Done at Washington, D.C., this 23d day of October 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64–11030; Filed, Oct. 28, 1964; 8:49 a.m.]

[7 CFR Part 948]

[Area 1]

IRISH POTATOES GROWN IN COLORADO

Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering approval of the expenses and rate of assessment hereinafter set forth which were recommended by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948) regulating the handling of Irish potatoes grown in the State of Colorado and issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 948.247 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and this part (Order No. 948), both as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended agreement and order during the fiscal period ending May 31, 1965, will amount to $595.00.

(b) The rate of assessment to be paid by each handler in Area No. 1 pursuant to Marketing Agreement No. 97 and this part (Order No. 948), both as amended, shall be one-half cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

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

Dated: October 26, 1964.

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

[F.R. Doc. 64–11031; Filed, Oct. 28, 1964; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Proposed Labeling of Containers

The Atomic Energy Commission is considering an amendment of 10 CFR Part 20, "Standards for Protection Against Radiation", as set forth below, which would add the requirement in § 20.203(f) that containers in which licensed material greater than specified quantities is used or transported be labeled with information as to the kinds and approximate activities of the contained radioactive material and, except for natural uranium or thorium, the dates for which the activities are specified. At the present time § 20.203(f) requires this type of information only with respect to containers in which radioactive material is stored. The proposed amendment would delete the present requirement that the label on a storage container state quantities and dates of measurement of natural uranium or thorium.

A previously proposed amendment of 10 CFR Part 20, published in the FEDERAL REGISTER (27 F.R. 10167) on October 17, 1962, would have required labels showing kinds, amounts and dates of measurement on containers in which licensed material is used or transported, as well as on containers in which licensed material is stored. The previously proposed amendment also would have de-

fined "container" to include a sealed source or device, would have imposed additional labeling requirements for containers of special nuclear material for criticality control purposes, and would have reduced or dispensed with certain existing labeling requirements.

Many comments were addressed to the complexity of the previously proposed amendment. To eliminate problems raised by those persons who submitted comments, the only addition to the requirements of the presently effective regulation which would be made by the present proposed amendment is the extension of the storage container labeling requirements to containers in which licensed material is used or transported. The presently effective regulation requires only the radiation caution symbol and the words "Caution—Radioactive Material" on labels of containers in which licensed material is used or transported. The additional information as to kinds, activities and dates for which the activities are specified is necessary in the interest of health and safety to provide for adequate assessment of the radiation hazard potential of contained radioactive material regardless of the function served by the container.

The proposed rule would not require that quantities and dates of measurement of natural uranium and thorium in a container be stated on the label, because of the relatively low radiation hazard associated even with large quantities of these materials.

Those labeling requirements included in the previously proposed amendment to facilitate protection against accidental criticality are not included in the present proposed amendment, since further study has shown that such requirements can be determined more appropriately on an individual basis during the Commission's prelicensing evaluation of an applicant's proposed safety controls.

The labeling requirements for sealed sources and devices in the previously proposed amendment are not included in the present proposed amendment. The minimal advantages to health and safety afforded by the inclusion of such requirements would be insufficient to compensate for the undue burden on licensees resulting from the complexity of the exceptions to the requirements and from the fact that the small sizes of many sources and devices could not accommodate the proposed label. Labeling of sealed sources and devices which is deemed necessary for protection of health and safety, and which is not required by existing regulations, would continue to be required by license conditions.

The previously proposed amendment would have excepted containers from the requirement that the radiation caution symbol be in the prescribed colors, where the colors would be destroyed by heat under normal conditions of use. Since the Commission has determined that this problem, which has occurred infrequently, should continue to be handled on an individual basis, no such exception is included in the present proposed amendment.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendment of 10 CFR Part 20 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, within sixty (60) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

Paragraph (f) of § 20.203 is amended to read as follows:

§ 20.203 Caution signs, labels, and signals.

* * * * *

(f) *Containers.* (1) Each container in which is transported, stored, or used a quantity of any licensed material (other than natural uranium or thorium) greater than the quantity of such material specified in Appendix C of this part shall bear a durable, clearly visible label stating the kinds of radioactive material contained and, for each kind of material, the approximate activity and the date for which the activity is specified. The label shall also bear the radiation caution symbol and the words:

CAUTION [1]

RADIOACTIVE MATERIAL

(2) Each container in which natural uranium or thorium is transported, stored, or used in a quantity greater than ten times the quantity specified in Appendix C of this part shall bear a durable, clearly visible label stating the kinds of radioactive material contained and bearing the radiation caution symbol and the words:

CAUTION [1]

RADIOACTIVE MATERIAL

(3) Notwithstanding the provisions of subparagraphs (1) and (2) a label shall not be required:

(i) If the concentration of the material in the container does not exceed that specified in Appendix B, Table I, Column 2, of this part, or

(ii) For laboratory containers, such as beakers, flasks and test tubes, used transiently in laboratory procedures, when the user is present.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 15th day of October 1964.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary to the Commission.

[F.R. Doc. 64-10982; Filed, Oct. 28, 1964; 8:45 a.m.]

[1] Or "Danger".

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 95-97]

[Ex Parte No. 241]

RAILROAD FREIGHT CAR OWNERSHIP, CAR UTILIZATION, DISTRIBUTION, RULES AND PRACTICES

Investigation of Adequacy

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 19th day of October, A. D. 1964.

Upon consideration of the order entered in this proceeding on July 29, 1964, requests from both the respondents and the Commission's staff committee for certain changes in the aforesaid order primarily in the filing dates prescribed, and good cause appearing:

It is ordered, That the subparagraphs numbered 1 through 7 in the fourth ordering paragraph of the aforesaid order be, and they are hereby, modified to read as follows:

1. Prior to March 1, 1965, the respondents listed in Appendix A attached hereto shall supply the information outlined in Sections I through XIII of the instructions attached hereto as Appendix B, by completing and filing with the Commission at its office in Washington, D.C., seven copies of the forms attached hereto as Appendixes C and D.

2. Prior to September 1, 1965, all respondents listed in Appendix A hereto shall supply the information outlined in Sections XIV through XVI of the said instructions attached as Appendix B by completing, filing and serving as specified in 1 above the forms attached hereto as Appendixes E and F.

3. Prior to March 1, 1965, any person desiring to participate in this proceeding must notify the Secretary of this Commission by letter to that effect, giving his name, address, and company or group represented. After that date no additional interventions will be allowed except by special permission and for good cause shown. To conserve time and avoid expense it is strongly urged that persons having common interests, endeavor to consolidate their presentation to the greatest extent possible. Individual participation is not precluded; mere casual interest, however, does not justify participation, and will make the service of verified statements burdensome and impracticable. The Commission desires participation only by those who intend to take an active part in the proceeding.

4. As soon as practicable after March 1, 1965, the Commission will serve a list of the named and addresses of all persons upon whom service of all verified statements, replies or other pleadings hereinafter specified must, unless waived, be made. An original (signed in ink) and 20 copies of each verified statement, reply or pleading shall be filed with the Commission and a copy of each such statement, reply or other pleading shall be

served on each person named in the list prepared and served pursuant to this paragraph in accordance with Rule 1.22 of the Commission's general rules of practice.

5. Prior to November 1, 1965, any party to the proceeding may file and serve a verified[1] statement of relevant facts and any argument he desires to make. Where both facts and arguments are included in the same document, they shall be set forth under separate headings. Such document should, where appropriate, contain a discussion of any proposed rules including a detailed justification therefor, a discussion of the proper formula or formulas to be used in determining the adequacy of freight car ownership by type by individual carriers and a discussion by respondents of the subjects listed in Appendix G.

6. Prior to December 15, 1965, any party may file replies to the initial statements.

7. Prior to January 15, 1966, any party may file and serve a request for oral hearing, together with justification therefor. Any reply thereto must be filed prior to January 31, 1966.

It is further ordered, That all documents underlying the information to be supplied in the forms attached to the aforesaid order as Appendixes C, D, E, and F shall be preserved until further order of the Commission.

It is further ordered, That all other provisions of the aforesaid order shall remain in full force and effect.

And it is further ordered, That a copy of this order be served upon each respondent; upon the Association of American Railroads, Car Service Division, upon The American Short Line Railroad Association, and upon the public utility commissions or boards or similar regulatory bodies of each State; that a copy be posted in the office of the Secretary of this Commission; and that a copy be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–10009; Filed, Oct. 28, 1964; 8:47 a.m.]

[1] In lieu of verification under oath, the statements and replies may be made subject to the following declaration: "I solemnly declare that I have examined the foregoing statement (or reply) and that to the best of my knowledge and belief the representations of fact contained therein are true." (Signature)

Notices

DEPARTMENT OF DEFENSE

Department of the Army

OFFICE OF CIVIL DEFENSE

Further Redelegation of Authorities; Amendment

Redelegation of authorities to the Director, Procurement Services Division, Materiel Office, covered in section 5 of notice published at 29 F.R. 12653, September 5, 1964, is amended by revising subparagraph 5(b)(1) to read as follows:

(1) Provide for the establishment and maintenance of appropriate property accounts at OCD headquarters and field activities, and the issuance of instructions relating thereto;

This amendment is effective immediately.

R. E. HOLT,
Assistant Director of Civil Defense, Management.

[F.R. Doc. 64-11001; Filed, Oct. 28, 1964; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 015246]

OREGON

Notice of Termination of Proposed Withdrawal and Reservation of Land

OCTOBER 20, 1964.

Notice of an application, Serial No. Oregon 015246, for withdrawal and reservation of lands was published as Federal Register Document No. 6628 on Page 8433 of the issue for July 3, 1964. The applicant agency, Forest Service, United States Department of Agriculture, has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311 (formerly Part 295), such lands will be relieved of the segregative effect of the withdrawal application at 10:00 a.m. on October 28, 1964.

The lands involved in this notice of termination are:

OREGON

WILLAMETTE MERIDIAN

Siuslaw National Forest

Hebo Geological Area and North Hebo Observation Site

T. 4 S., R. 9 W.,
In Section 13.
Total, 7.50 acres.

Table Rock Observation Site

T. 19 S., R. 10 W.,
In Section 13.
Total, 10 acres.

The total area aggregates 17.50 acres.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 64-11003; Filed, Oct. 28, 1964; 8:47 a.m.]

Office of the Secretary

[Order 2508, Amdt. 61]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority With Respect to Lands and Minerals

Section 13(a)(3) (14 F.R. 258) of Order 2508, as amended (23 F.R. 90), is further amended to read as follows:

Sec. 13. *Lands and minerals.* The Commissioner may exercise the authority of the Secretary in relation to the following classes of matters:

(a) * * *

(3) The authority conferred by subparagraphs (1) and (2) extends to and includes the approval of, or other appropriate administrative action required on, assignments of leases, whether heretofore or hereafter executed, bonds and other instruments required in connection with such leases or assignments thereof; unit and communitization agreements; well-spacing orders of the Oklahoma Corporation Commission submitted for approval under authority of section 11 of the Act of August 4, 1947 (61 Stat. 731); approval of the valuation of gas pursuant to the provisions of Osage gas leases; the acceptance of voluntary surrender of leases by the lessee; the cancellation of leases for violation of the terms thereof; the renewal, pursuant to 25 CFR Part 184, of leases under such terms and conditions as the Commissioner may require; and the approval of agreements for settlement of claims for damage to Indian lands resulting from oil, gas, or other mineral operations.

* * * * *

FRANK P. BRIGGS,
Acting Secretary of the Interior.

OCTOBER 22, 1964.

[F.R. Doc. 64-11004; Filed, Oct. 28, 1964; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 1211]

ST. PAUL UNION STOCKYARDS CO.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on November 7, 1962 (21 A.D. 1216), which as modified by an order issued on March 5, 1963 (22 A.D. 225) authorizes the respondent, St. Paul Union Stockyards Company, to assess the current schedule of rates and charges.

By a petition filed on October 19, 1964, the respondent requested authority to modify, as soon as possible, the current schedule of rates and charges by adding a new subsection "C" under Item Number 1 of the schedule to read as follows:

In addition to all other applicable charges, including yardage as set forth in Item No. 1, A, the following charges will be assessed on cattle and calves consigned to commission firms and offered for sale at regularly scheduled auctions in this Company's auction ring:

Cattle or calves..... $0.35 per head

The above charge applies on all livestock offered in the ring whether sold or unsold.

The modification, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, within 5 days after the publication of this notice.

Done at Washington, D.C., this 23d day of October 1964.

DONALD A. CAMPBELL,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-11006; Filed, Oct. 28, 1964; 8:47 a.m.]

Office of the Secretary

WISCONSIN

Designation for Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WISCONSIN

Polk.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify

under established policies and procedures.

Done at Washington, D.C., this 23d day of October 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-11007; Filed, Oct. 28, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 24-62A]

JOSE LUIS MUSSOT

Order Extending Temporary Denial of Export Privileges

In the matter of Jose Luis Mussot, Mexicali No. 53-2, Mexico City, Mexico, respondent; File 24-62A.

An order temporarily denying export privileges for a period of thirty days was issued on September 29, 1964 (29 F.R. 13615). Said order was issued in connection with an investigation instituted by the Investigations Division, Office of Export Control, Bureau of International Commerce, into activities of the respondent: In participating in the purchase of substantial quantities of U.S.-origin commodities with knowledge that their intended ultimate destination was Cuba; and in participating in the reexportation, diversion and transshipment of said commodities from Mexico to Cuba.

The Director of said Investigations Division has applied under § 382.11 of the Export Regulations for an extension of the temporary denial order. A charging letter has already been issued against said respondent and the time for filing an answer has not yet expired.

The matter has been considered by the Compliance Commissioner and he has reported his recommendation to me that the present temporary order be extended until the completion of administrative compliance proceedings and that such extension is reasonably necessary to protect the public interest pending final disposition of the proceedings and is necessary for the effective enforcement of the law. I do so find.

Accordingly, it is hereby ordered:

I. The provisions and restrictions of the temporary order issued against the above respondent on September 29, 1964 (29 F.R. 13615) are hereby continued in full force and effect.

II. The respondent, his successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export priviliges shall extend not only to the respondent, but also to his agents and employees and to any successor and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order continues in full force and effect the provisions and restrictions of the temporary denial order of September 29, 1964, and shall remain in effect until the completion of administrative compliance proceedings unless it is hereafter amended, modified, or vacated in accordance with the provisions of the United States Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

Dated: October 21, 1964.

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 64-10987; Filed, Oct. 28, 1964; 8:45 a.m.]

[Case No. 333]

AMSUR CHEMICAL EXPORT CO. AND MICHAEL SANCHEZ

Order Denying Export Privileges

In the matter of Frederick M. Kuhner, doing business as Amsur Chemical Export Company, 96-25 Rockaway Boulevard, Ozone Park, New York, N.Y., and Michael Sanchez, Ascuenaga 666, Buenos Aires, Argentina, respondents; Case No. 333.

By charging letter dated April 21, 1964, the above-named respondents were charged by the Investigations Division, Office of Export Control, Bureau of International Commerce, with violations of the Export Control Act of 1949, as amended, and regulations thereunder. The respondents have filed answers.

In accordance with the provisions of § 382.10 of the Export Regulations, with agreement of the Director, Investigations Division, the respondent Kuhner has proposed that a consent order substantially in the form hereinafter set forth be entered against him. For the purpose of this compliance proceeding only, Kuhner admitted the charges against him, waived all rights to an oral hearing before the Compliance Commissioner, and further waived all rights of an administrative appeal from, and judicial review of, such order.

An informal hearing was held before the Compliance Commissioner at which evidence in support of the charges against both respondents was presented. The Compliance Commissioner has reviewed the record in the case and has reported the facts to the undersigned with his recommendation that the consent proposal of Kuhner be accepted, and that an order be entered against Sanchez in the form hereinafter set forth.

After reviewing the facts in the case and considering the Compliance Commissioner's recommendations, I hereby make the following findings of fact:

1. The respondent Frederick M. Kuhner, a resident of Ozone Park, New York, is engaged in the export business and does business under the name of Amsur Chemical Export Company. The respondent Michael Sanchez is a resident of Buenos Aires, Argentina, and has engaged in exporting commodities from the United States to Argentina.

2. In October 1959 Sanchez, while in New York, made arrangements with Kuhner whereby Kuhner would purchase drums of caustic soda for export to Argentina, permit Sanchez to remove some of the caustic soda and substitute other commodities, and thereafter Kuhner would export the repacked drums to Argentina. Sanchez agreed to pay Kuh-

ner a fee for his services in each transaction.

3. On each of four occasions between October 1959 and April 29, 1960, Kuhner, through a third party, purchased 60 drums of caustic soda from a chemical company and had them delivered to warehouses. At the warehouses Sanchez had some of the caustic soda removed and substituted containers with other goods. Kuhner knew that other goods were being substituted for the caustic soda but did not know what they were.

4. Kuhner arranged for the exportation of the drums referred to in Finding 3 and the drums, containing caustic soda and other commodities, were exported from New York to Argentina. The Shipper's Export Declarations for the exportations, which were prepared on instructions from Kuhner, did not declare any commodity other than caustic soda as being exported.

5. In June 1960 Kuhner, through a third party, purchased 66 drums of caustic soda from a chemical company and had them delivered to a warehouse. At the warehouse Sanchez had some of the caustic soda removed from 60 of the drums and had substituted therefor other commodities which were wrapped in plastic containers. The commodities which were substituted included electronic equipment (mainly diodes, tubes, rectifiers, and condensers), lipsticks, nail clippers, and sweaters. Many of the items of electronic equipment were on the U.S. Positive List and required validated licenses for exportation. Kuhner knew that other goods were being substituted for the caustic soda but he did not know what they were.

6. Kuhner arranged to have the repacked 60 drums, referred to in Finding 5, exported from New York to Argentina. The Shipper's Export Declaration for the exportation, which was prepared on instructions from Kuhner, did not declare any commodities other than caustic soda as being exported. The declared value of the goods was $1,056.

7. While the 60 drums, referred to in Finding 5, were at the port of export awaiting loading, it came to the attention of the Customs Inspectors that at least one of the drums contained commodities other than caustic soda. The contents of all of the drums were examined and the falsity of the export declaration was disclosed. The goods were detained and the entire shipment was seized under Customs regulations on July 5, 1960. Forfeiture proceedings were instituted in the U.S. District Court for the Eastern District of New York and after due proceedings a decree forfeiting the goods to the United States was entered. The appraised value of the seized goods was $81,000.

8. Criminal prosecution was instituted against Kuhner for his participation in the foregoing transactions. He pleaded guilty to the charges and was fined $1,000.

Based on the foregoing I have concluded that the respondents violated §§ 372.3, 381.2, 381.3, 381.5, and 399.1 of the Export Regulations in that they acted in concert to bring about acts which constituted violations of the U.S. Export Regulations; caused false representations to be made to, and material facts concealed from, the U.S. Department of Commerce and the U.S. Collector of Customs in connection with the preparation and use of export control documents in effecting the exportation of commodities from the United States; and attempted to export from the United States to Argentina certain commodities subject to the U.S. Export Regulations which required validated export licenses without having obtained from the Department of Commerce the licenses required.

On consideration of the foregoing and based on the entire record, and being of the view that the following order is calculated to achieve effective enforcement of the law and the purposes thereof: *It is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. (a) The respondent Frederick M. Kuhner, d/b/a Amsur Chemical Export Company, for a period of three months from the effective date of this order is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations, except that during said period the said respondent shall be permitted to export to Canada, only such commodities as may be exported to countries listed in Group O and Group R (in § 371.3 of the Export Regulations) under General License GRO.

(b) The respondent Michael Sanchez for the duration of export controls is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations.

(c) Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (1) As a party or as a representative of a party to any validated export license application; (2) in the preparation or filing of any export license application or reexportation authorization, or document to submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their representatives, agents, partners, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. (a) For a period of nine months following the three-month effective denial period against Kuhner, as set forth in Paragraph II, the said respondent shall be on probation. The terms of probation are that the said respondent shall not knowingly violate the terms and conditions of this order or knowingly violate any of the laws or regulations relating to export control during the 12-month period of denial and probation.

In the event the respondent Kuhner violates any of the conditions of probation, it shall be within the discretion of the Director, Investigations Division, to apply to the Compliance Commissioner for an order revoking all export privileges, including those excepted from the terms of the order, for the remaining period of probation. If such action is taken, it will in no way limit the Bureau of International Commerce from taking further action based on such violation as it shall deem necessary and proper. Any such application for revocation of probation and the proceedings to be conducted thereon shall be in accordance with the provisions of § 382.16 of the Export Regulations.

(b) Two years after the effective date of this order the respondent Sanchez may apply to have the effective denial of his export privileges held in abeyance while he remains on probation. Such application shall be supported by evidence showing compliance with the terms of this order and such disclosure of details of his activities relating to import and export transactions during said two years as may be necessary to determine his compliance with this order. The application will be considered on its merits and in the light of conditions and policies existing at that time. His export privileges may be restored under such terms and conditions as appear to be appropriate.

VI. During the time when any respondent or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges

within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on October 27, 1964.

Dated: October 16, 1964.

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 64-11024; Filed, Oct. 28, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-230]

GENERAL ATOMIC DIVISION OF GENERAL DYNAMICS CORP.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that General Atomic Division of General Dynamics Corporation, Post Office Box 608, San Diego, Calif., 92112, has submitted an application dated October 1, 1964, for a license to authorize the export of a 250 kilowatt thermal TRIGA Mark II research reactor to the University of Pavia, Pavia, Italy.

Upon finding that the reactor proposed for export is within the scope of the Agreement for Cooperation between the Governments of the United States of America and the Italian Republic, and unless within fifteen days after the publication of this notice in the FEDERAL REGISTER, a request for a formal hearing is filed with the U.S. Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (10 CFR Part 2), the Commission proposes to issue to General Atomic Division of General Dynamics Corporation a facility export license on Form AEC-250 containing the authority set forth in the text below authorizing export of the reactor described in the application.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter I, Code of Federal Regulations, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

A copy of the application, dated October 1, 1964, is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 15th day of October 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, General Atomic Division of General Dynamics Corporation, Post Office Box 608, San Diego, Calif., 92112, is authorized to export a 250 kilowatt thermal TRIGA Mark II nuclear research reactor to the University of Pavia, Pavia, Italy, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission. This license is effective as of the date of issuance and shall expire on December 30, 1965.

For the Atomic Energy Commission.

[F.R. Doc. 64-10983; Filed, Oct. 28, 1964; 8:45 a.m.]

[Docket No. 50-156]

REGENTS OF THE UNIVERSITY OF WISCONSIN

Notice of Issuance of Facility License Amendment

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on October 6, 1964, 29 F.R. 13782, the Atomic Energy Commission has issued Amendment No. 6 to Facility License No. R-74. The amendment authorizes (1) an increase in the steady state maximum power level from 10 kilowatts to 250 kilowatts (thermal), and (2) an increase in the limit on excess reactivity from 0.005 to 0.006 for the University of Wisconsin's pool-type nuclear reactor located on its campus in Madison, Wis. The amendment was requested by the licensee in an application dated April 15, 1964, and supplement thereto dated July 27, 1964.

The license amendment, as issued, is substantially as set forth in the notice of proposed action cited above except that minor changes have been made in the wording of the Technical Specifications to reflect more accurately the operating conditions which will prevail.

Dated at Bethesda, Md., this 22d day of October 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-10984; Filed, Oct. 28, 1964; 8:45 a.m.]

[Docket No. 50-139]

UNIVERSITY OF WASHINGTON

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 5, set forth below, to Facility License No. R-73, as amended. The license authorizes University of Washington to operate its Argonaut-type nuclear reactor located on the campus in Seattle, Washington. The amendment authorizes modifications to the control circuits of the reactor (1) to provide a means of dropping one control blade at a time, in addition to the ability to drop all three shim blades and the regulating blade simultaneously by depressing the rod drop button on the control console, and (2) to provide a time delay in the Dump Valve control circuit that will prevent the Dump Valve, once opened, from being closed until sufficient time has elapsed for all the water to drain from the core and headers.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

3. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's two applications for license amendment each dated July 20, 1964, and (2) a related hazards analysis prepared by the Test

and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 19th day of October 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

AMENDMENT TO FACILITY LICENSE

[License R-73, Amdt. 5]

License No. R-73, as amended, issued to University of Washington, is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-73, as amended, University of Washington is authorized:

1. To modify the control circuits of the reactor to provide a means of dropping one control blade at a time, in addition to the ability to drop all three shim blades and the regulating blade simultaneously by depressing the rod drop button on the control console, as described in its application amendment dated July 20, 1964, and

2. To modify the control circuits of the reactor to provide a time delay in the Dump Valve control circuit that will prevent the Dump Valve, once opened, from being closed until sufficient time has elapsed for all the water to drain from the core and headers, as described in its application amendment dated July 20, 1964.

This amendment is effective as of the date of issuance.

Date of issuance: October 19, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-10985; Filed, Oct. 28, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15672, 15673]

ESTACADA TELEPHONE & TELEGRAPH CO., AND PACIFIC NORTHWEST BELL TELEPHONE CO.

Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Estacada Telephone & Telegraph Company, Docket No. 15672, File No. 5557-C2-P-63; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service near Estacada, Oregon; Pacific Northwest Bell Telephone Company, Docket No. 15673, File No. 6281-C2-P-63; for a construction permit to modify the facilities of station KOA731 in the Domestic Public Land Mobile Radio Service near Salem, Oregon.

1. The Commission, by its Chief of the Common Carrier Bureau, acting under delegation of authority, pursuant to § 0.292(a) of the Commission's Rules, has before it (1) an application filed May 6, 1963, by Estacada Telephone & Telegraph Company (Estacada) for a construction permit to establish a new two-way communications service, using the frequencies 152.60 Mc/s (base) and 157.86 Mc/s (mobile) in the Domestic Public Land Mobile Radio Service near Estacada, Oregon; and (2) an application filed June 17, 1963, by Pacific Northwest Bell Telephone Company (Bell) for a construction permit to modify the facilities of station KOA731 by adding an additional channel for two-way communications service on frequencies 152.60 Mc/s (base) and 157.86 Mc/s (mobile), including authority to provide mobile stations equipped to operate on ten associated mobile frequencies, in the Domestic Public Land Mobile Radio Service near Salem, Oregon.[1] Estacada and Bell are each seeking to provide two-way communications service on the same frequencies in the same general area (the base stations would be approximately 47 miles apart), and it appears that these applications are mutually exclusive by reason of potential harmful electrical interference. Therefore, a comparative hearing is required to determine whether a grant to either or both of the applicants would serve the public interest, convenience and necessity.

2. It also appears that § 21.504 of the rules and regulations of this Commission describes a field strength contour of 37 decibels above one microvolt per meter as the limit of reliable service area for base stations engaged in two-way communications service, and that the Commission's Report No. T.R.R. 4.3.8., entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures set forth therein are a proper basis for establishing the location of such service (F50, 50) and interference contours of the facilities involved in this proceeding.

3. It also appears that except for the matters placed in issue herein, both applicants are financially, technically, legally and otherwise qualified to render the services they have proposed.

4. Accordingly, in view of our conclusions above: *It is ordered,* Pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services proposed by each applicant, including the rates, charges, personnel, practices, classifications, regulations and facilities pertaining thereto.

(b) To determine whether any harmful interference would result from simultaneous operations on the frequencies 152.60 and 157.86 Mc/s by Estacada and Bell, and if so, whether such interference would be intolerable or undesirable.

(c) To determine, on a comparative basis, the areas and populations that Estacada and Bell propose to serve within their respective 37 dbu contours, based upon the standards set forth in paragraph 2 above; and to determine the need for the proposed services in the said areas.

(d) To determine, in light of the evidence adduced on all the foregoing issues, whether or not the public interest, convenience or necessity will be served by a grant of one or both of the captioned applications, and the terms or conditions which should be attached thereto, if any.

5. *It is further ordered,* That the burden of proof on each of the issues in paragraph 4 is placed upon the applicants so far as the same relates to their respective applications; and

6. *It is further ordered,* That the applicants desiring to participate herein shall file their notice of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: October 22, 1964.

Released: October 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-11034; Filed, Oct. 28, 1964; 8:49 a.m.]

[1] Station KOA731 now provides: (a) two-way communications service on paired frequencies 35.26 Mc/s (base) and 43.26 Mc/s (mobile); and (b) two-way communications service on paired frequencies 152.57 Mc/s (base) and 157.83 Mc/s (mobile).

[Docket Nos. 15667-15669; FCC 64M-1049]

KAISER INDUSTRIES CORP. ET AL.

Order Scheduling Hearing

In re applications of Kaiser Industries Corporation, Chicago, Illinois, Docket No. 15667, File No. BPCT-3092; Frederick B. Livingston and Thomas L. Davis, d/b as Chicagoland TV Company, Chicago, Illinois, Docket No. 15668, File No. BPCT-3116; Warner Bros. Pictures, Inc., Chicago, Illinois, Docket No. 15669, File No. BPCT-3271; for construction permit for new television broadcast station.

It is ordered, This 23d day of October 1964, that Millard F. French shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on December 16, 1964; and that a prehearing conference shall be convened at 10:00 a.m. on November 23, 1964; *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-11035; Filed, Oct. 28, 1964; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

SOUTH ATLANTIC AND CARIBBEAN LINES, INC. AND TRANSCARLOADING CORP.

Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Edward M. Shea, Ragan & Mason
900 17th Street NW.
Washington 6, D.C.
Attorney for South Atlantic and Caribbean Lines, Inc.

Agreement No. DC–16 is an agreement between South Atlantic and Caribbean Lines, Inc. (SACAL) and Transcarloading Corp. (Transcarloading), wherein SACAL agrees to transport trailers for transcarloading from San Juan, Puerto Rico to Miami and Jacksonville, Florida.

SACAL is a common carrier by water. Transcarloading is a non-vessel operating common carrier which consolidates shipments in trailerload quantities for transportation via underlying water carriers to Florida.

Under the terms of the agreement, Transcarloading will tender a minimum of four loaded trailers per week to SACAL comprised of mixed trailerloads of freight, all kinds, at a rate of $350 per high cube trailer, including wharfage, handling and arrimo charges, for transportation northbound.

Dated: October 26, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–11027; Filed, Oct. 28, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP65–64, CP64–96]

EASTERN SHORE NATURAL GAS CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Application To Amend

OCTOBER 22, 1964.

Take notice that on September 4, 1964, Eastern Shore Natural Gas Company (Eastern Shore), Salisbury, Maryland, filed in Docket No. CP65–64, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the construction and operation of a total of 30.25 miles of 4- and 6-inch pipeline from Bridgeville, Delaware, to Cambridge, Maryland, and the sale and delivery of 550 Mcf of natural gas daily on a firm basis to the Cambridge Gas Company for resale in Cambridge and (2) the construction and operation of a total of 2.89 miles of 3- and 4-inch pipeline laterals from the proposed transmission line in (1) above to the Continental Can Company, Inc., Hurlock, Maryland, (2) Eastern Shore Rendering Company, East New Market, Maryland and (3) Carolina Poultry Farms, Inc., Federalsburg, Maryland, all as more fully set forth in the application on file with the Commission and open to public inspection.

Take notice that on September 29, 1964, Transcontinental Gas Pipe Line Corporation (Transco) 3100 Travis Street, Houston, Tex., filed in Docket No. CP64–96, an application to amend an order of the Commission issued April 17, 1964, in Docket No. CP64–96, authorizing among other things the sale and delivery of natural gas to Eastern Shore. The application to amend requests authorization to increase Transco's deliveries to Eastern Shore from 14,225 Mcf daily to 14,695 Mcf daily, an increase of 470 Mcf daily, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

Eastern Shore proposes to sell and deliver (1) 20 Mcf daily of firm gas to Continental Can, and 150,000 Mcf annually to Eastern Shore Rendering, and 70,000 Mcf annually to Carolina Poultry Farms on an interruptible basis, and (2) 550 Mcf daily on a firm basis to Cambridge Gas Company. To render the proposed new services Eastern Shore proposes to increase its present contract demand with Transco by 470 Mcf.

Eastern Shore estimates the total cost of the proposed facilities will be $568,000, which will be financed by the issuance of First Mortgage Pipeline Bonds.

These matters are ones that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate these applications for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on these applications provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–10994; Filed, Oct. 28, 1964; 8:46 a.m.]

[Docket No. CP65–80]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

OCTOBER 21, 1964.

Take notice that on September 21, 1964, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), Phillipsburg, Phillips County, Kansas, filed in Docket No. CP65–80 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1965 and the operation of routine field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities covered by this application will not exceed a

maximum of $1,550,000, with no single project to exceed a cost of $385,000, which costs are proposed to be financed from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-10995; Filed, Oct. 28, 1964; 8:46 a.m.]

[Docket No. RP65-4]

KNOXVILLE UTILITIES BOARD, ET AL.

Order Instituting Investigation, Providing for Hearing and Designating Procedure

OCTOBER 22, 1964.

Knoxville Utilities Board, et al., complainant v. East Tennessee Natural Gas Company, defendant; Docket No. RP65-4.

On August 14, 1964, Knoxville Utilities Board, et al. (Knoxville), comprising 25 persons [1] engaged in purchasing gas for resale, filed a formal complaint under section 5(a) of the Natural Gas Act naming their supplier, East Tennessee Natural Gas Company (East Tennessee) defendant. Therein Knoxville alleges, among other things, that during the year 1963 East Tennessee sold approximately 28,577,000 Mcf of gas to resale customers within the state of Tennessee, realizing therefrom revenues of $12,362,000; that these revenues are excessive to the extent of $644,848 and that therefore East Tennessee's rates are not the lowest reasonable rates.

Knoxville supports its allegations with a cost of service study prepared from East Tennessee's annual report for 1963 filed with the Commission; requests that the Commission institute an investigation into the current resale rates of East Tennessee under section 5 of the Act, and states that the current rates and charges against which complaint is made, became effective as of April 5, 1960, by Commission order issued August 9, 1962, approving the settlement in Docket Nos. G-12264, G-17330 and G-20072.

East Tennessee's answer, filed September 14, 1964, as authorized by a 14-day extension of time, contends that the complaint should be dismissed because it fails to present the foundation for a section 5(a) investigation. In support of this contention, East Tennessee states, among other things, that complainants' figures are based on an abnormally cold year and therefore are not representative of future conditions; that complainants' use of a 6⅜ percent rate of return would allow East Tennessee only a 8.29 percent return on common equity; that the current rate levels of East Tennessee are not excessive; that the complaint neglects consideration of the pending certificate proceedings in Docket No. CP64-270, et al., and of a contingent proposal therein for reduction of defendant's rates and in conclusion, that during the pendency of the above-identified proceedings no "intelligent determination with respect to East Tennessee's rates for the future" is possible.

The pleadings leave unresolved substantial questions of fact and law bearing upon the issues of whether the rates and charges complained against are excessive and if so, what rates and charges would constitute the lowest reasonable rates pursuant to section 5(a) of the Act. East Tennessee contends that a public hearing herein should be denied or deferred on account of pending certificate proceedings. However, the complaint is filed under section 5 of the Act and while in some areas, the problems thus presented may have relationship with possible future developments in certificate proceedings, the allegations of the complaint on the other hand, bear upon existing facts and conditions, and upon rates presently effective. It is our view therefore, that the pendency of certificate applications relating to future operations does not constitute a valid basis for deferring a public hearing on the complaint.

It appears that a public hearing should be held in order to afford all parties opportunity to present evidence concerning the issues herein; that Knoxville bears the obligation of adducing evidentiary support of its allegations and of going forward first in the presentation of its case-in-chief; that the issues herein should be determined with the greatest possible expedition in conformity with § 2.59 of the Commission's rules of practice and procedure and to that end each party should have the opportunity to understand and evaluate the positions of the other parties. All matters which can be fully resolved without formal trial should be eliminated from hearing and settled by stipulation.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues raised by the complaint filed by Knoxville be set for public hearing and that the proceeding be expedited in accordance with the procedures set out below.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 15 and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held concerning the matters involved and the issues presented in this proceeding.

(B) At the hearing herein, the complainant, Knoxville, shall have the obligation of going forward first with the presentation of its direct case-in-chief.

(C) Knoxville shall serve the prepared testimony and exhibits constituting its case-in-chief upon all parties, on or before November 17, 1964.

(D) The defendant, East Tennessee, shall serve the prepared testimony and exhibits comprising its direct case upon all parties on or before December 18, 1964.

(E) The Commission Staff and all other parties to this proceeding proposing to present evidence herein, shall serve their prepared testimony and exhibits on all parties on or before January 5, 1965.

(F) The Presiding Examiner shall set the date for the service of Knoxville's rebuttal case and, if determined necessary and appropriate without unduly delaying the proceeding, he may provide for filing of cross-rebuttal between the parties (including Staff) on a date prior to the date set for service of Knoxville's rebuttal.

(G) Presiding Examiner Seymour Wenner, or any other officer or officers of the Commission designated by the Chief Examiner for that purpose (see Delegation of Authority, 27 F.R. 4276, etc.) shall fix the date of hearing by notice thereof; shall preside at the prehearing conference and at the hearing in this matter, pursuant to the Commission's rules of practice and procedure, and as further provided by this order.

(H) Without limitation upon the authority of the Presiding Examiner to convene conferences prior to, or subsequent to the date herein fixed, pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10:00 a.m., e.s.t., on January 12, 1965, in a

[1] The complainants are: Knoxville Utilities Board, United Cities Gas Company, Volunteer Natural Gas Company, Cleveland Natural Gas Company, Athens Utility Board, Citizens Gas Utility District, Cookeville Gas Department, Elk River Public Utility District, Englewood Natural Gas System, First Utility District of Maury County, Gallatin Natural Gas System, Harriman Utility Board, Jefferson-Cocke Utility District, Lenoir City Utilities Board, Lewisburg Gas Department, Livingston Gas Department, Loudon Utilities Board, Madisonville Gas Company, Marion County Natural Gas Company, Middle Tennessee Utility District, Oak Ridge Utility District, City of Rockwood Natural Gas Company, Sevier County Utility District, City of Sweetwater, Unicoi Natural Gas Utility District.

hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, for the purpose of effectuating the intent of the Commission as hereinabove set out in the body of this order.

(I) Notices and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure, §§ 1.8 and 1.37(f) (18 CFR 1.8 and 1.37(f)) on or before November 6, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10996; Filed, Oct. 28, 1964; 8:46 a.m.]

[Docket No. CP65-50]

ST. JOSEPH LIGHT & POWER CO.

Notice of Application

OCTOBER 23, 1964.

Take notice that on August 19, 1964, as supplemented on October 12, 1964, St. Joseph Light & Power Company (Applicant), a Missouri corporation having its principal place of business at 520 Francis Street, St. Joseph, Mo., filed in Docket No. CP65-50 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for distribution and resale in the City of Graham, Mo., all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a natural gas distribution system in the City of Graham, Mo., and approximately 0.29 mile of 3-inch transmission pipeline extending from the proposed interconnection with the facilities of Michigan Wisconsin to the corporate limits of the city.

The estimated initial three-year period of peak day and annual requirements are stated to be:

	First year	Second year	Third year
Annual Mcf	9,300	14,100	15,300
Peak day Mcf	124	155	162

The estimated cost of constructing the proposed distribution system and transmission lateral is $47,100, which Applicant proposes to defray from internally generated funds.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 12, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10997; Filed, Oct. 28, 1964; 8:46 a.m.]

[Docket No. G-13770 [1]]

SPARTAN DRILLING CO., ET AL.

Order Permitting Withdrawal of Rate Filing and Terminating Proceeding

OCTOBER 22, 1964.

On October 30, 1957 Spartan Drilling Company (Spartan) tendered for filing Supplement No. 5 to its FPC Gas Rate Schedule No. 2, wherein it proposed a rate increase from a 10.096 cents to 11.1056 cents per Mcf for its jurisdictional sales of natural gas to El Paso Natural Gas Company from Pegasus Field, Midland and Upton Counties, Texas. The proposed increased rate was suspended by the Commission's order issued November 27, 1957 in Docket No. G-13770 until June 1, 1958 and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act. The increased rate was not made effective subject to refund pursuant to section 4(e) of the Natural Gas Act.

On November 30, 1959 Spartan tendered for filing Supplement No. 6 to its FPC Gas Rate Schedule No. 2, wherein it proposed a rate increase from 10.096 cents per Mcf to 17.1632 cents per Mcf. This proposed increased rate was suspended by Commission's order issued December 18, 1959 in Docket No. G-20413 until June 1, 1960. Pursuant to an appropriate motion this supplement was made effective subject to refund as of June 1, 1960.

Since no monies have been collected subject to refund in Docket No. G-13770 and since Supplement No. 5 to Spartan's FPC Gas Rate Schedule No. 2 has been superseded, the proceeding in Docket No. G-13770 is moot.

The Commission finds: Good cause exists for permitting the withdrawal of Supplement No. 5 to Spartan's FPC Gas Rate Schedule No. 2 and for terminating the proceeding in Docket No. G-13770.

The Commission orders:

(A) Withdrawal of Supplement No. 5 to Spartan Drilling Company, et al., FPC Rate Schedule No. 2 is hereby permitted.

(B) The proceeding in Docket G-13770 is hereby terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. No. 10998; Filed, Oct. 28, 1964; 8:46 a.m.]

[Docket No. CP65-73]

UNITED GAS PIPE LINE CO.

Notice of Application

OCTOBER 21, 1964.

Take notice that on September 15, 1964, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP65-73 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1965 and the operation of routine field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities covered by this application will not exceed a maximum of $2,000,000 with no single project to exceed a cost of $500,000, which costs are proposed to be financed from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1964.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 64-10999; Filed, Oct. 28, 1964; 8:46 a.m.]

[1] Consolidated with Docket Nos. AR61-1, et al.

FEDERAL RESERVE SYSTEM

FIRST NATIONAL CORP.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by First National Corporation, Appleton, Wisconsin, not yet organized, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), for the Board's prior approval of action to become a bank holding company through acquisition by First National Corporation of 80 percent of the voting

shares of First National Bank of Appleton, Appleton, Wisconsin, and Valley National Bank, Appleton, Wisconsin, a proposed new bank.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks 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 23d day of October 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-10986; Filed, Oct. 28, 1964; 8:45 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

DELEGATION OF AUTHORITIES TO CERTAIN FEDERAL AGENCIES FOR ADMINISTRATION OF ECONOMIC OPPORTUNITY PROGRAMS

1. Under the Economic Opportunity Act of 1964, 78 Stat. 508, P.L. 88-452, the Director of the Office of Economic Opportunity is responsible for the policies which will govern the administration of the programs created by the Act. Certain of the programs created by the Act may be administered by existing departments and agencies, pursuant to the delegation of the administration of these programs by the Director. The Director is authorized under Section 602(d) of the Act to delegate, with the approval of the President, any of his powers.

2. Certain of the powers conferred upon the Director of the Office of Economic Opportunity are hereby delegated as follows:

(a) The powers of the Director under Title I, Part B, Work-Training Programs, are hereby delegated to the Secretary of Labor.

(b) The powers of the Director under Title I, Part C, Work-Study Programs, are hereby delegated to the Secretary of Health, Education, and Welfare.

(c) The powers of the Director under Title II, Part B, Adult Basic Education Programs, are hereby delegated to the Secretary of Health, Education, and Welfare.

(d) The powers of the Director under Title III, Part A, Authority to Make Grants and Loans, are hereby delegated to the Secretary of Agriculture.

(e) The powers of the Director under Title IV, Employment and Investment Incentives, are hereby delegated to the Administrator of the Small Business Administration.

(f) The powers of the Director under Title V, Work Experience Programs, other than the power to transfer funds under Section 502 of the Act, are hereby delegated to the Secretary of Health, Education, and Welfare.

3. The powers of the Director contained in Sections 602 and 606 of the Economic Opportunity Act of 1964 are hereby delegated to the officers designated in paragraph 2, to the extent they may deem necessary or appropriate for carrying out their functions in exercise of the powers delegated under paragraph 2.

4. The powers delegated under paragraphs 2 and 3 may be redelegated by the delegatees with or without authority for further redelegation.

5. The powers hereby delegated shall be exercised pursuant to policies, standards, criteria, and procedures set forth in rules and regulations, which shall be prescribed in accordance with paragraph 6.

6. Rules and regulations for the exercise of the powers hereby delegated shall be prescribed jointly by the Director and the officer to whom the powers are delegated.

7. In exercising the powers hereby delegated preference shall, to the extent feasible, be given to programs and projects which are components of a community action program approved pursuant to Title II, Part A, of the Economic Opportunity Act of 1964.

8. The powers hereby delegated shall be exercised subject to the reporting and coordination provisions of Section 611 of the Economic Opportunity Act of 1964.

SARGENT SHRIVER,
Director, Office of Economic Opportunity.

OCTOBER 23, 1964.

Approved:

LYNDON B. JOHNSON,
President of the United States.

OCTOBER 24, 1964.

[F.R. Doc. 64-11087; Filed, Oct. 28, 1964; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 493]

FLORIDA

Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1964, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Florida;

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 Executive 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 State and areas adjacent thereto, suffered damage or destruction resulting from Hurricane Isbell and accompanying conditions occurring on or about October 14 and 15, 1964.

OFFICES

Small Business Administration Regional Office
90 Fairlie Street NW.
Atlanta 3, Ga.

Small Business Administration Disaster Office
Room 359
Post Office Building
300 Northeast 1st Avenue
Miami, Fla.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1965.

Dated: October 16, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64-10990; Filed, Oct. 28, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 26, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39351: *T.O.F.C. rates within southern territory.* Filed by O. W. South, Jr., agent (No. A4581), for interested rail carriers. Rates on roofing or siding or roofing or siding materials, loaded in trailers and transported on railroad flatcars, between points in southern territory, also Ohio and Mississippi River crossing, Virginia cities gateway points, Washington, D.C., St. Louis, Mo., East St. Louis, Ill., and intermediate points on lines of southern rail carriers.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 12 to Southern Freight Association, agent, tariff I.C.C. S-447.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-11010; Filed, Oct. 28, 1964; 8:47 a.m.]

[No. 34454]

INCREASED LTL, AQ, AND TL RATES, TO, FROM, AND BETWEEN NEW ENGLAND TERRITORY

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 14th day of October A.D. 1964.

It appearing, that by order dated July 24, 1964, the Commission, Division 2, acting as an appellate division, instituted an investigation into and concerning the lawfulness of the rates, charges, and regulations applicable on the interstate or foreign commerce of general commodities, applicable between points in New England territory and between points in that territory and points in other territories, therein described, as set forth in the tariffs specified therein:

And it further appearing, that by an order of the Commission, Commissioner Freas, dated August 3, 1964, the respondents were notified and required, in the discharge of their burden of proof, to submit certain evidence and supporting data, as specified therein, in justification of the proposed increased rates and charges;

Upon consideration of the petition of the New England Motor Rate Bureau, Inc., filed August 27, 1964, on behalf of the respondents in the above-captioned proceeding, seeking certain modifications in the order of August 3, 1964, and of the replies thereto, filed on September 15, 1964, by the Manufacturers Association of Connecticut, Inc., The National Small Shipments Traffic Conference, Inc., the Drug and Toilet Preparations Conference, and The New England Industrial Traffic League, Inc., and of the reply filed on September 16, 1964, by The National Industrial Traffic League;

And good cause appearing therefor;

It is ordered, That so much of the order of August 3, 1964, as requires respondents to submit actual cost, revenue, and other data related to the traffic and territories involved, is hereby modified and amended to require also the inclusion of anticipated revenues to show the effect of the proposed increased rates;

It is further ordered, That the order of August 3, 1964 insofar as it requires the submission of cost and traffic studies, is hereby modified and amended to require such studies to be based upon and reflect the annual reporting period for the calendar year 1963 and the latest period in 1964 for which such data are available;

It is further ordered, That the order of August 3, 1964, insofar as the same requires respondents in this proceeding to report to the Commission their carrier-affiliate financial and operating relationships and transactions during the year 1963 be, and the same is hereby, modified to require such reporting by the class I and II respondents which, during the calendar year 1963, individually paid total charges to their subsidiaries or affiliates, which, separately, or in the aggregate, amounted to $2,500 or more;

It is further ordered, That the detailed information called for by the order of August 3, 1964, as modified herein, with respect to carrier-affiliates, shall be in writing and verified by a person or persons having knowledge thereof, and a verified original and two additional copies shall be mailed to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423, in sufficient time to reach the Commission on or before November 23, 1964; and, in addition, that this information is to be offered into evidence by the respondents at the hearing hereinafter referred to, but it may be in summary form, if so desired, cf. Surcharge on Small Shipments Within Central States, 63 M.C.C. 157, at 193 and 194;

It is further ordered, That:

(1) The respondents and interveners in support thereof shall serve on the parties of record on or before December 21, 1964, their direct evidence in the form of verified statements (with appendixes, if any); and that they also, at the same time, shall mail two copies to this Commission, together with certificates of service in accordance with § 1.22(a) of the general rules of practice, and mail one copy to the Hearing Examiner at the office of the Interstate Commerce Commission; and the original shall be tendered at the hearing;

(2) The protestants and interveners in support thereof shall also serve on the parties of record on or before January 18, 1965, their evidence in the form of verified statements (with appendixes, if any); and they shall comply also with the provisions in the preceding paragraph regarding the verification, mailing, service, and tender of such statements;

(3) This proceeding be, and it is hereby, referred to Examiner Henry C. Lawton for hearing on February 25, 1965, at 9:30 a.m., U.S. standard time, at the New Post Office and Court House Building, Boston, Mass., for (a) the tender in evidence of the originals of the verified statements, (b) cross examination thereon, if requested, (c) the introduction of rebuttal evidence, and (d) the closing of the record and recommendation of an appropriate order thereon by the Examiner, accompanied by the reasons therefor;

(4) Parties desiring to cross-examine witnesses who have submitted verified statements must give notice in writing of such request to the witness and his counsel, if any, on or before January 25, 1965, a copy of such notice to be filed simultaneously with this Commission. Failure of any witness whose attendance is requested to appear at the hearing for cross-examination shall be considered good cause for the rejection of his verified statement (and appendixes, if any);

(5) All underlying data used in the preparation of evidence set forth in the verified statements (with appendixes, if any) shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that underlying data shall be made available also at the hearing; but only if, and to the extent specifically requested in writing and required by any party to the proceeding, for the purpose of cross-examination;

(6) Anyone intending to become a party of record and to participate in the hearing, and receive and/or serve copies of the evidence to be filed in accordance with the procedure set forth above, must notify the Commission and all the then known parties of record, in writing, on or before November 2, 1964. Attached hereto is a list of the known interested persons as of the date of service of this order. The names of any persons who, after this date, and on or prior to that just mentioned, shall advise the Commission of their interest in the proceeding and intention to participate therein, may be obtained from the Secretary of the Commission.

(7) Evidence presented which fails to conform to the above outlined procedure will not become a part of the record in this proceeding.

It is further ordered, That a copy of this order be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

It is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service of notices and orders of the Commission herein will be limited to those respondents who:

(1) Have been identified by name in the order or orders of investigation herein,

(2) Specifically made written request to the Secretary of the Commission to be included on the service list, or

(3) Have appeared at a hearing.

And it is further ordered, That except to the extent modified herein, the order of August 3, 1964, shall remain in effect, and the additional modifications thereof sought by petitioner and that sought by The National Small Shipments Conference, Inc., replicant, be, and the same are hereby, denied.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

No. 34454

INCREASED LTL, AQ, AND TL RATES, TO, FROM, AND BETWEEN NEW ENGLAND TERRITORY

SERVICE LIST AS OF OCTOBER 5, 1964

Known Interested Persons

Herman Matthei, The New England Motor Rate Bureau, Inc., 125 Lincoln Street, Boston, Mass., 02111.

T. J. Townsend, Joy Manufacturing Co., Claremont, N.H.

John B. Hedges, Post Office Box 118, West Hartford, Conn., 06107 (for the New England Industrial Traffic League, Inc.).

John D. Murphy, The Wiremold Co., Hartford, Conn.

John F. Donelan and John M. Cleary, Pope, Ballard & Loos, Attorneys, Brawner Building, 888 17th Street NW., Washington, D.C., 20006.

Ronald Kennedy, The Shippers Conference of Greater New York, Room 1548, 111 Eighth Avenue, New York, N.Y., 10011.

John F. Bohman, Attorney, 335 East Broadway, Gardner, Mass. (For American Gear Manufacturers Assoc., et al.).

Raynard F. Bohman, Jr., 335 East Broadway, Gardner, Mass. (Practitioner for National Furniture Traffic Conference, Inc., et al.).

L. F. Van Kleeck, Brown Co., 650 Main Street, Berlin, N.H.
Exeter Manufacturing Co., Exeter, N.H.
Clarence D. Smith and John J. C. Martin, American Home Products Corp., 685 Third Avenue, New York 17, N.Y. (for National Small Shipments Traffic Conference, etc.).
E. P. Hoyes, Witco Chemical Co., Inc., Post Office Box 305, Paramus, N.J., 07652.
John V. Hoey, Jr., National Textile Traffic Bureau, Inc., 366 Fifth Avenue, New York, N.Y.
Frank W. Schneider, Holyoke Chamber of Commerce, 300 High Street, Holyoke, Mass.
T. A. Dooley, The Stanley Works, New Britain, Conn.
Arthur A. Arsham, The New England Industrial Traffic League, Inc., 140 Broadway, New York 6, N.Y.
G. J. Maloney, Eastern Industrial Traffic League, 200 North Seventh Street, Kenilworth, N.J., 07033.
Francis J. Cincotta, New England Paper & Pulp Traffic Assoc., 38 Chauncy Street, Boston 11, Mass.
A. T. Easley, New Hampshire Manufacturers' Association, 130 Middle Street, Manchester, N.H.

[F.R. Doc. 64-11011; Filed, Oct. 28, 1964; 8:47 a.m.]

[Notice 1069]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 26, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67243. By order of October 21, 1964, the Transfer Board approved the transfer to Spokane Transfer and Storage Co., a corporation, Spokane, Wash., of the operating rights in Certificate No. MC 71718, issued March 24, 1952, to Charles W. Trowbridge and George Trowbridge, a partnership, doing business as McCarroll Transfer Co., Spokane, Wash., authorizing the transportation, over irregular routes, of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Washington, and Idaho, within 35 miles of Spokane, Wash., including, Spokane. Raymond R. Tanksley, Jr., attorney at law, 217 Paulsen Building, Spokane, Wash.

No. MC-FC 67246. By order of October 21, 1964, the Transfer Board approved the transfer to Farris Truck Line, a corporation, Faucett, Mo., of the operating rights issued by the Commission March 11, 1954, June 5, 1962, March 31, 1964, June 19, 1963, and April 27, 1964, under Permits Nos. MC 114239, MC 114239 Sub 3, MC 114239 Sub 4, MC 114239 Sub 5, and MC 114239 Sub 8, respectively, to Gennie Farris, doing business as Farris Truck Line, Faucett, Mo., authorizing the transportation, over irregular routes, of such commodities as are dealt in by chain retail and mail-order department stores, from St. Joseph, Mo., to all points in Kansas in the counties of Brown, Nemaha, Doniphan, Atchison, and part of Jackson County; used and repossessed shipments of the above-specified commodities and traded-in merchandise, from the above-specified destination points to St. Joseph, Mo.; urea, in dry form, in bulk, except in tank or hopper type vehicles, from the plant and warehouses of W. R. Grace & Co., at Woodstock and Memphis, Tenn., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; urea, in dry form, in bags, from the plant and warehouses of W. R. Grace & Co., to points in Colorado, Idaho, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, Indiana, with exceptions, points in Kansas, specified points in Missouri, Texas, Wisconsin, and Illinois; urea (except agricultural grade urea) in dry form, in bags, from site and plant of W. R. Grace & Co., to points in Arizona, California, and New Mexico; feed, in bulk and in bags, and flour in bags, from Kansas City, Mo., to points in Kansas, Colorado, Wyoming, New Mexico, Nebraska, South Dakota, and Oklahoma; and damaged shipments of feed and flour, from points in Kansas, Colorado, Wyoming, New Mexico, Nebraska, South Dakota, and Oklahoma, to Kansas City, Mo.; agricultural pesticides, dry, in containers and in bulk and agricultural pesticides, liquid, in drums, from St. Joseph, Mo., to points in Arkansas, Iowa, Illinois, Kansas, Minnesota, and Nebraska; agricultural pesticides and ingredients thereof, dry, in containers and in bulk and liquid, in containers from St. Joseph, Mo., to points in Colorado, Indiana, Iowa, Kentucky, Michigan, Montana, North Dakota, New Mexico, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming; and from points in Arkansas, California, Colorado, Florida, Illinois, Iowa, Michigan, Mississippi, Nevada, New Jersey, New Mexico, Ohio, and Tennessee, to St. Joseph, Mo. Carll V. Kretsinger, Kretsinger, Kretsinger & Edell, Suite 510, Professional Building, Kansas City 5, Mo., attorney for applicants.

No. MC-FC 67256. By order of October 20, 1964, the Transfer Board approved the transfer to Winn Trucking Service, Inc., 210 Edwards Avenue, Horse Cave, Ky., of the operating rights issued by the Commission March 25, 1954, August 17, 1954, November 15, 1956, June 20, 1961, June 20, 1961, August 14, 1961, August 22, 1952, April 17, 1964, and September 2, 1964, under Permits Nos. MC 113642, MC 113642 Sub 3, MC 113642 Sub 5, MC 113642 Sub 9, MC 113642 Sub 10, MC 113642 Sub 11, MC 113642 Sub 12, MC 113642 Sub 13, and MC 113642 Sub 14, to James I. Winn, Jr., doing business as Winn Trucking Service, 210 Edwards Ave., Horse Cave, Ky., authorizing the transportation of cheese, over irregular routes, from Horse Cave and Cynthiana, Ky., to Richmond, Va.; conduit pipe, and fittings therefor, from Horse Cave, Ky., and points within 3 miles thereof to points in Illinois, Indiana, Ohio and Tennessee within 300 miles of Horse Cave; Cheese, from Horse Cave, Ky., to Decatur, Ga.; multi plate and tunnel liners, and bolts, channels, crowder bars, and nuts, when shipped with and used in the assembly of multi plate and tunnel liners, from Middletown, Ohio, to points in Kentucky; from Horse Cave, Ky., to points in Illinois, Indiana, Ohio, and Tennessee, within 300 miles of Horse Cave, Ky.; liquid asphalt, in bulk, in tank vehicles, from Brookville, Ind., to Horse Cave, Ky.; asphalt, in bulk, in tank vehicles, from the plant site of Witco Pioneer Chemical Division, at Lawrenceville, Ill., to the plant site of Armco Steel Corporation, Metal Products Division, at Horse Cave, Ky.; granite, from the plant site of Phillips Granite Co., at or near Rion, S.C., to the plant site of Keith Monument Co., at or near Elizabethtown, Ky.; and cheese, from Horse Cave, Ky., to Attalla, Ala., and Booneville, Miss.

No. MC-FC 67266. By order of October 20, 1964, the Transfer Board approved the transfer to Delbert Bruce, doing business as Bruce Truck Line, Mound City, Kans., of Certificate in No. MC 30078 issued September 6, 1962, to Raymond L. Poole, doing business as Poole Truck Line, Mound City, Kans., authorizing the transportation of livestock, seed, and hay, over regular route, from Mound City, Kans., to Kansas City, Mo., serving the intermediate point of Kansas City, Kans., and intermediate and off-route points within 10 miles of Mound City; general commodities, excluding household goods and commodities in bulk, from Kansas City, Kans., and intermediate and off-route points within 10 miles of Mound City; and between Mound City, Kans., and Kansas City, Mo., serving no intermediate points, but serving points in Missouri in the Kansas City, Mo.-Kans., commercial zone as defined by the Commission, as off-route points; general commodities, excluding household goods and commodities in bulk, over alternate route for operating convenience only, between Mission, Kans., and Kansas City, Mo.; livestock, agricultural commodities, empty petroleum products containers, and empty compressed gas cylinders, over irregular routes, from Mound City, Kans., and points within 10 miles thereof, to Kansas City, Kans., and Kansas City, Mo.; and livestock, feed, agricultural implements, agricultural implement parts, petroleum products in containers, compressed gas in cylinders, plumbing fixtures, and supplies, electrical fixtures, and equipment, and such merchandise as is dealt in by hardware stores, over irregular routes, from Kansas City, Mo., and Kansas City, Kans., to Mound City, Kans., and points within 10 miles thereof.

No. MC-FC 67269. By order of October 20, 1964, the Transfer Board ap-

proved the transfer to Brunswick Transportation Company, Inc., Brunswick, Maine, of the operating rights in Certificate No. MC 109830, issued June 6, 1951, in the name of Ernest L. Stedman, doing business as Stedman's Coach Service, Waterville, Maine, authorizing the transportation, over irregular routes, of: Passengers and their baggage in the same vehicle, in round-trip charter operations, beginning and ending at Waterville or Oakland, Maine and extending to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont. Kenneth B. Williams, 111 State Street, Boston, Mass., 02109, attorney for applicants.

No. MC–FC 67275. By order of October 20, 1964, the Transfer Board approved the transfer to Thomas Lekvin, doing business as Osterman Transfer Company, Eau Claire, Wis., of the operating rights in Certificate in No. MC 46072, issued December 23, 1952, to Leo Kenneth Shepler and Thomas Lekvin, a partnership, doing business as Osterman Transfer Company, Eau Claire, Wis., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Menomonie, and Chippewa Falls, Wis., over U.S. Highway 53, serving all intermediate points. William H. Frawley, 303¼ South Barstow, Eau Claire, Wis., 54701, attorney for applicants.

No. MC–FC 67278. By order of October 20, 1964, the Transfer Board approved the transfer to Yamashiro-Nako Enterprises, Inc., Los Angeles, Calif., of the operating rights in Certificate of Registration No. MC 121221 Sub 1 issued March 6, 1964, to Estero Corporation, doing business as Hi-Ball Trucking, Azusa, Calif., corresponding to the grant of intrastate authority to transferor issued by the Public Utilities Commission of California in Certificate of Public Convenience and Necessity Decision No. 63025, dated January 9, 1962. Donald Murchison, Suite 211, Allen Paris Building, 211 South Beverly Drive, Beverly Hills, Calif., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–11012; Filed, Oct. 28, 1964; 8:47 a.m.]

[S.O. 947; Taylor's Car Distribution Order 6]

NEW YORK, NEW HAVEN AND HARTFORD RAILROAD CO. ET AL.

Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

Therefore, it is ordered, That:

(a) The New York, New Haven and Hartford Railroad Company shall deliver to the Lehigh and Hudson River Railway Company a daily average of 25 plain serviceable boxcars inside length less than 44'8".

(b) Cars received by the Lehgh and Hudson River Railway Company under this order will be delivered to the Pennsylvania Railroad Company.

(c) Cars received by the Pennsylvania Railroad Company under this order shall be delivered to the Chicago, Burlington and Quincy Railroad Company.

It is further ordered, That the New York, New Haven and Hartford Railroad Company shall prepare empty car cards, tickets or movement slips for all cars delivered to the Lehigh and Hudson River Railway Company. Such cards, tickets or slips to accompany cars and be delivered with cars to the Pennsylvania Railroad Company.

It is further ordered, That cars moving under the provisions of this order and so identified on cards, tickets, or slips shall not be intercepted, appropriated, or diverted by any carrier named in this order and must be moved promptly to the Chicago, Burlington and Quincy Railroad Company.

(d) *Effective date.* This order shall become effective at 12:01 a.m. October 26, 1964.

(e) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64–11013; Filed, Oct. 28, 1964; 8:47 a.m.]

[Service Order 947; Taylor's Car Distribution Order 7]

CENTRAL RAILROAD COMPANY OF NEW JERSEY AND ERIE-LACKAWANNA RAILROAD CO.

Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

Therefore, it is ordered, That:

(a) The Central Railroad Company of New Jersey shall deliver to the Erie-Lackawanna Railroad Company a daily average of 40 plain serviceable boxcars inside length less than 44'8".

(b) Cars received by the Erie-Lackawanna Railroad Company under this order will be delivered to the Chicago, Burlington & Quincy Railroad Company.

It is further ordered, That the Central Railroad Company of New Jersey shall prepare empty car cards, tickets, or movement slips for all cars delivered to the Erie-Lackawanna Railroad Company. Such cards, tickets, or slips to accompany cars and be delivered with cars to the Chicago, Burlington & Quincy Railroad Company.

(c) *Effective date.* This order shall become effective at 12:01 a.m., October 26, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64–11014; Filed, Oct. 28, 1964; 8:48 a.m.]

[Service Order 947; Taylor's Car Distribution Order 8]

LOUISVILLE & NASHVILLE RAILROAD CO.

Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

Therefore, it is ordered, That:

(a) The Louisville & Nashville Railroad Company shall deliver to the Chicago, Burlington & Quincy Railroad Company a daily average of 25 plain serviceable boxcars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Chicago, Burlington & Quincy Railroad Company and each car shall be identified by the Louisville & Nashville Railroad Company as moving under the provisions of this order.

(c) *Effective date.* This order shall become effective at 12:01 a.m. October 26, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m. November 15, 1964, unless otherwise ordered.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-11015; Filed, Oct. 28, 1964; 8:48 a.m.]

[Service Order 947; Taylor's Car Distribution Order 9]

BALTIMORE & OHIO RAILROAD CO.

Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

Therefore, it is ordered, That:

(a) The Baltimore & Ohio Railroad Company shall deliver to the Illinois Central Railroad a daily average of 40 plain serviceable boxcars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Illinois Central Railroad and each car shall be identified by the Baltimore & Ohio Railroad as moving under the provisions of this order.

(c) *Effective date.* This order shall become effective at 12:01 a.m., October 26, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent,

[F.R. Doc. 64-11016; Filed, Oct. 28, 1964; 8:48 a.m.]

[Service Order 947; Taylor's Car Distribution Order 10]

NEW YORK CENTRAL RAILROAD CO.

Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

Therefore, it is ordered, That:

(a) The New York Central Railroad Company shall deliver to the Illinois Central Railroad Company a daily average of 40 plain serviceable boxcars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Illinois Central Railroad Company and each car shall be identified by the New York Central Railroad Company as moving under the provisions of this order.

(c) *Effective date.* This order shall become effective at 12:01 a.m., October 26, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-11017; Filed, Oct. 28, 1964; 8:48 a.m.]

[Service Order 947; Taylor's Car Distribution Order 11]

LEHIGH VALLEY RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

Therefore, it is ordered, That:

(a) The Lehigh Valley Railroad Company shall deliver to the Norfolk and Western Railway Company a daily average of 40 plain serviceable boxcars inside length less than 44'8".

(b) Cars received by the Norfolk and Western Railway Company under this order will be delivered to the Illinois Central Railroad Company.

It is further ordered, That the Lehigh Valley Railroad Company shall prepare empty car cards, tickets, or movement slips for all cars delivered to the Norfolk and Western Railway Company. Such cards, tickets, or slips to accompany cars and be delivered with cars to the Illinois Central Railroad Company.

(c) *Effective date.* This order shall become effective at 12:01 a.m. October 26, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m. November 15, 1964 unless otherwise ordered.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-11018; Filed, Oct. 28, 1964; 8:48 a.m.]

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