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Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALY RECOVERABLE

[Sugar Determination 831.4]

PART 831—BEET SUGAR AREA

1959 and Subsequent Crops

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 831.4 Determination of sugar commercially recoverable from sugar beets.

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

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

(2) "Base period" means the five crop years immediately preceding the crop year which is prior to the crop year of the crop for which rates of recoverability are to be established.

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

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

(1) In the case of sugar beets marketed in a settlement area under any type of agreement other than an "in-

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

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

(c) *Delegation and effectiveness.* The applicable rates of sugar commercially recoverable, as determined herein, shall be established by the Director of the Sugar Division, Commodity Stabilization

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Service, and shall become effective for each crop when the specific rates for individual settlement areas, as provided for in paragraph (b) (1) of this section, and directions for computing the rates provided for in paragraph (b) (2) of this section are published in the FEDERAL REGISTER.

This determination supersedes, with respect to the 1959 and subsequent crops, § 831.3, issued August 18, 1953 (18 F.R. 4988).

STATEMENT OF BASES AND CONSIDERATIONS

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

The previous determination of beet sugar recoverability was issued August 18, 1953, and became effective for the 1953 and subsequent crops. Beginning with the 1954 crop, the effective rates of recoverability were based in part on moving five-year average extraction rates as attained by the beet sugar industry as a whole. For each crop, the moving five-year period included the next preceding crop.

For each of the last several crops, timely establishment of the effective recovery rates has become increasingly difficult because of the unavailability of final data on the previous crop at the time the rates were needed to make early payments on the current crop. This situation worsened for the 1957 crop, since the processing of 1957-crop beets in California was not concluded until about two months after the processing of 1958-crop beets began. While the 1957-crop processing season was prolonged abnormally, it is evident that there is not a sufficient time break between crop season in California to permit the inclusion of the next preceding crop in the effective base period. Since all of the sugar beets produced in that State are marketed under "individual test" contracts, a similar problem does not exist with respect to the moving 7-year period used under this determination with respect to sugar content of the sugar beets for which cossette tests only are available.

To facilitate the issuance of the effective rates of recoverability in ample time for use in making payments upon early harvested beets of any crop, this determination provides that the immediately preceding crop will be omitted from the effective moving five-year base period used in computing the average extraction rate. Accordingly, the five-year base period and the average extraction rate to be effective for the 1959 crop will be identical with those utilized for the 1958 crop. Movement of such base period will be resumed for the 1960 crop. Movement of the 7-year period employed with respect to sugar content of cossette test sugar beets continues as heretofore. The rates of recoverability for such beets of the 1959 crop will reflect this movement. The rates effective for individual test beets of the 1959 crop will change only to the extent of a minor correction in the application of the 1953-57 average reduction in the percentage of sugar content between the time of delivery and the time of processing.

Under the conditions presently prevailing in the beet sugar industry annual differences in extraction rates are not significant. Average extraction rates attained by the industry have been quite uniform from crop to crop. For the ten crop years of 1948-57, these rates in terms of refined sugar have been 87.6, 88.9, 87.5, 87.9, 88.3, 87.8, 87.7, 86.4, 87.8 and 87.3 respectively. With the use of moving base periods and conversions to raw sugar values the effective extraction rates for "cossette test" beets of the five crops of 1954-58 have been 94.3, 94.0, 93.7, 93.7 and 93.6, respectively. The corresponding rates for "individual test" beets, after adjustment for ratio of

shrink in the percentage of sugar content of beets between the time of delivery to a processor and the time of processing, have been 91.3, 91.2, 91.0, 91.0 and 90.8.

Except for the exclusion of the next preceding crop from the five-year moving base period, the only other change of consequence in the determination is the requirement that the applicable recoverability rates be published in the FEDERAL REGISTER, whereas formerly such rates were made effective only through sugar program instructions. The paragraph on recoverable sugar has been restated for purposes of clarity.

Accordingly, I hereby find and conclude that the aforesaid determination will effectuate the purposes of section 302(a) of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153. Interprets or applies secs. 302, 303, 304, 61 Stat. 920, as amended, 931; 7 U.S.C. Supp. 1132, 1133, 1134)

Issued this 26th day of August 1959.

MARVIN L. McLAIN,
Acting Secretary.

[F.R. Doc. 59-7234; Filed, Aug. 28, 1959; 8:53 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 180]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.480 Valencia Orange Regulation 180.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circum-

stances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 27, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 30, 1959, and ending at 12:01 a.m., P.s.t., September 6, 1959, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 877,800 cartons;
- (iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

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

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

Dated: August 28, 1959

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 59-7281; Filed, Aug. 28, 1959;
11:40 a.m.]

[Lemon Reg. 807]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.914 Lemon Regulation 807.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047),

and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 26, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 30, 1959, and ending at 12:01 a.m., P.s.t., September 6, 1959, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 279,000 cartons;
- (iii) District 3: Unlimited movement.

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

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

Dated: August 27, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 59-7266; Filed, Aug. 28, 1959;
8:59 a.m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[Bulletin NSCP-2401]

PART 1106—NAVAL STORES CONSERVATION

Subpart G—1960

The purpose of the Naval Stores Conservation Program (hereinafter referred to as "this program") is to restrict turpentine to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water and timber resources.

Through the 1960 program the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1956 season, except as provided under § 1106.1118.

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AUTHORITY: §§ 1106.1101 to 1106.1134 issued under sec. 4, 49 Stat. 164; 16 U.S.C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 73 Stat. 167; 16 U.S.C. 590g-590q.

GENERAL PROVISIONS

§ 1106.1101 General requirements.

No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 1106.1115, 1106.1116, and 1106.1118. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum.

§ 1106.1102 Required performance.

(a) *Approved conservation practices.* Each participating producer shall carry out at least one of the approved conservation practices in every tract or drift of faces operated by him during the 1960 turpentine season. This requirement will not apply if the Forest Service determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the Forest Service may approve face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the 1960 Program for only the component parts of the practices which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefore under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *Dual cupping.* The installation of two cups on trees less than 14 inches d.b.h. in any tract or drift cupped under the provisions of §§ 1106.1109, 1106.1110, 1106.1111, 1106.1112, or § 1106.1114 may be approved by the Forest Service as meeting the requirements of these practices where the Forest Service has determined that such action conforms to sound conservation practice.

(d) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible vir-

gin working faces, i.e., faces installed for the first working during the 1960 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after the producer is notified unless a longer period of time for their removal is approved by the Forest Service, or the tract or drift will be considered only for qualification for cost-shares under the next lower practice for which qualified.

(e) *Practices under §§ 1106.1109, 1106.1110, 1106.1111, 1106.1112, 1106.1113, 1106.1114, 1106.1115, or § 1106.1117 which require more than one year for completion.* (1) Cost-shares may be approved under this program for the completion of a component of a practice only on the condition that the producer agrees in writing to complete the remaining components of the practice according to program provisions and within the time prescribed by the Forest Service, unless prevented from doing so by reasons beyond his control, or refund the cost-shares paid to him. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

(2) Cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the 1960 Program to faces which were installed and met the eligible face requirements during the 1956, 1957, 1958, or 1959 season. Such cost-shares may also be allowed in tracts or drifts: (i) Which had some undersized trees from which cups have been removed by the time of first elevation, and (ii) in which new faces may have been installed on eligible trees in 1960 in the second or third year's working to complete cupping of the tract or drift or to replace normal mortality. New faces installed in excess of that necessary to complete cupping and replace normal mortality will disqualify the tracts or drifts for cost-sharing under the practice initially established: *Provided*, That no cost-shares will be allowed on faces picked up after the first year which results in a higher face count than the virgin count for the tract or drift, except as stipulated in §§ 1106.1109(c)(2) and 1106.1114(c)(2).

§ 1106.1103 Double-headed nails requirement.

Use of double-headed nails is required in the elevation of all cups and tins installed for the first working in 1957, 1958, 1959, or 1960, or where costs have been previously shared for the initial use of double-headed nails on the faces in the tracts or drifts. Use of double-headed nails is optional with respect to elevation of tins on faces initially installed in the 1956 season except where cost-shares have been previously allowed, and also with respect to the virgin installation of 1960 faces.

§ 1106.1104 Fire protection.

Each producer shall during the 1960 turpentine season cooperate with any ex-

isting cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 1106.1105 Bark-bar requirement.

No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1960 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however*, That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1960. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

§ 1106.1106 Inspection assistance.

Each producer shall assist representatives of the Forest Service in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and reporting separately thereon by tracts and drifts to the local inspector (Area Forester);

(c) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;

(d) Furnishing competent labor to assist the local inspector (Area Forester) in counting faces;

(e) Submitting an application for payment of Federal cost-shares (Form NSCP-1) and other prescribed forms;

(f) Notifying the Forest Service promptly of any change in ownership, control, or number of faces worked; and

(g) Otherwise facilitating the work of the inspector (Area Forester) in checking compliance with the terms and conditions of this program.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

§ 1106.1109 Practice 1: Working only 9 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 1106.1102(c).

(c) *Components of practice and rates of cost-sharing—(1) Initial installation and first year working of 9 inch d.b.h. or larger trees; 2 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; ½ cent per face.*

If faces have been installed contrary to the requirements for eligible faces or in excess of that necessary to complete cupping of the stand or replacement of normal mortality, the cups and tins on such

faces shall be removed within 30 days after the producer is notified unless a longer period of time for their removal is approved by the Forest Service. If such faces are not removed within the period approved by the Forest Service there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where practice in § 1106.1115 is used.

§ 1106.1110 Practice 2: Working only 10 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 1106.1102(c).

(c) *Components of practice and rates of cost-sharing—(1) Initial installation and first year working of 10 inch d.b.h. or larger trees; 4 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* If new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 10 inches d.b.h. the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.1109(c) (2) and there may be withheld or required to be refunded 1½ cents per face for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1956, 1957, 1958, or 1959.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1115 is used.

§ 1106.1111 Practice 3: Working only 11 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d.b.h. and only one face on trees less than 14 inches d.b.h. except as provided in § 1106.1102(c).

(c) *Components of practice and rates of cost-sharing—(1) Initial installation and first year working of 11 inch d.b.h. or larger trees; 6 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* If new faces have been installed on trees in excess of that necessary to complete

cupping of the stand or normal mortality replacement or on trees under 11 inches d.b.h. the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.1109(c) (2) or § 1106.1110(c) (2) and there may be withheld or required to be refunded 2½ cents per face for faces qualified for § 1106.1109, or 1 cent per face for faces qualified for § 1106.1110 for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1956, 1957, 1958, or 1959.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1115 is used.

§ 1106.1112 Practice 4: Working only 12 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 1106.1102(c).

(c) *Components of practice and rates of cost-sharing—(1) Initial installation and first year working of 12 inch d.b.h. or larger trees; 7 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* If new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 12 inches d.b.h. the entire tracts or drifts will be considered only for qualification under the provisions of §§ 1106.1109(c) (2) 1106.1110(c) (2), or § 1106.1111(c) (2), and there may be withheld or required to be refunded 5 cents per face for faces qualified for § 1106.1109, 3½ cents per face for faces qualified for § 1106.1110, or 2½ cents per face for faces qualified for § 1106.1111 for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1956, 1957, 1958, or 1959.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1115 is used.

§ 1106.1113 Practice 5: Restricting turpentining to previously worked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of two to five years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing—(1) Initial installation and first year working of faces on previously worked trees; 7 cent per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* New faces installed on round trees in these tracts or drifts which earned a payment for the restricted cupping practice will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on any round trees the entire tracts or drifts will be considered only for qualification under the provisions of §§ 1106.1109(c) (2), 1106.1110(c) (2), 1106.1111(c) (2), or § 1106.1112(c) (2), and there may be withheld or required to be refunded the difference between the cost-shares previously paid and the amount that the subsequently determined practice would have earned in 1956, 1957, 1958, or 1959.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1115 is used.

§ 1106.1114 Practice 6: Working only selectively marked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of two to five years.

(b) *Eligible faces.* Only trees 9 inches or more d.b.h. which should be removed to improve the timber stand may be cupped. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the Forest Service: *Provided*, That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(c) *Components of practice and rates of cost-sharing—(1) Initial installation and first year working of selectively marked trees; 8 cents per face.* If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices specified in §§ 1106.1109, 1106.1110, 1106.1111, or § 1106.1112.

(2) *Working of faces for second, third, fourth, or fifth year; 4 cents per face.* New faces may be installed only in the second year of working, subject to all conditions of eligibility of paragraph (b) of this section. New faces installed on round trees in these tracts or drifts after the second year of working will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on round trees after the second year of working, the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.1109(c) (2). There may be withheld or required to be refunded 4 cents per face for each face in the tracts or drifts in which such improper installation occurs and for

which costs were shared in 1956, 1957, 1958, or 1959.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; 1/2 cent per face.* This component is not applicable where § 1106.1115 is used.

§ 1106.1115 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.

(a) *Purpose.* To minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 1106.1109, 1106.1110, 1106.1111, 1106.1112, 1106.1113, 1106.1114, and 1106.1117 may qualify for this practice, the cost-share for which is in accordance to the aforesaid sections.

(d) *Components of practice and rates of cost-sharing—(1) Initial use of spiral gutters or Varn aprons in the virgin installation or in the first elevation of cups and tins; 2 cents per face.* (i) The cost-share rate established for initiating this practice is limited to tracts or drifts having only virgin working faces, i.e., faces installed for the first working during the 1960 season or faces upon which the cups and tins are elevated for the first time during the 1960 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(ii) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for virgin installation exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 1106.1116 Practice 8: Removal of cups and tins from faces on small trees.

(a) *Purpose.* To encourage producers who have not participated in the 1958 or 1959 Programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, and to improve productivity of the woodland.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces installed for the first working in 1960 on trees under 9 inches d.b.h. and all but one face on trees between 9 and 14 inches d.b.h.

having two or more faces. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 30 days after the producer is notified unless a longer period of time for their removal is approved by the Forest Service to meet the eligible face requirements of § 1106.1109. Only producers who did not participate in the 1958 or 1959 programs are eligible for cost-sharing under this practice.

(d) *Components of practice and rates of cost-sharing—(1) Removal of cups and tins on trees under 9 inches d.b.h. and on trees between 9 and 14 inches d.b.h. having more than one face; 8 cents per face.* The cost-share for this component is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the eligible face requirements of § 1106.1109.

§ 1106.1117 Practice 9: Pilot plant tests of new methods and equipment.

(a) *Purpose.* To conduct controlled demonstrations or experiments to test values of management practices, new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of management practices, new methods or equipment according to requirements of the Forest Service.

(c) *Eligible faces.* Only faces or check trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* (1) Eight cents per face for faces meeting the requirements of § 1106.1109.

(2) Eleven cents per face for faces meeting the requirements of §§ 1106.1110, 1106.1111, 1106.1112, 1106.1113, and 1106.1114.

§ 1106.1118 Practice 10: Hardware removal.

(a) *Purpose.* To encourage producers to remove all hardware to conserve the worked section of the tree for use in other products.

(b) *Description of practice.* This practice consists of removing all cups, nails, and tins by the producer who last worked the face.

(c) *Eligible faces.* All faces last worked in 1959 or 1960 on which no subsequent work will be done and from which all hardware is removed by December 31, 1960.

(d) *Component of practice and rate of cost-sharing; 2 cents per eligible face.* Use of this practice is optional. To qualify for cost-shares under this component in tracts or drifts having in excess of 5 percent of back-faced timber, all hardware must also be removed from the old faces or all trees with such old faces must be cut out of the tracts or drifts. No cost-share will be approved for the removal of hardware in any tract or drift unless all hardware is removed from all remaining trees with eligible faces.

GENERAL PROVISION RELATING TO FEDERAL COST-SHARING

§ 1106.1119 Increase in small Federal cost-shares.

The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Agricultural Conservation Program shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to \$1.00; (b) any Federal cost-sharing amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	Increase in cost-shares
\$1.00 to \$1.99	\$0.40
\$2.00 to \$2.99	0.80
\$3.00 to \$3.99	1.20
\$4.00 to \$4.99	1.60
\$5.00 to \$5.99	2.00
\$6.00 to \$6.99	2.40
\$7.00 to \$7.99	2.80
\$8.00 to \$8.99	3.20
\$9.00 to \$9.99	3.60
\$10.00 to \$10.99	4.00
\$11.00 to \$11.99	4.40
\$12.00 to \$12.99	4.80
\$13.00 to \$13.99	5.20
\$14.00 to \$14.99	5.60
\$15.00 to \$15.99	6.00
\$16.00 to \$16.99	6.40
\$17.00 to \$17.99	6.80
\$18.00 to \$18.99	7.20
\$19.00 to \$19.99	7.60
\$20.00 to \$20.99	8.00
\$21.00 to \$21.99	8.20
\$22.00 to \$22.99	8.40
\$23.00 to \$23.99	8.60
\$24.00 to \$24.99	8.80
\$25.00 to \$25.99	9.00
\$26.00 to \$26.99	9.20
\$27.00 to \$27.99	9.40
\$28.00 to \$28.99	9.60
\$29.00 to \$29.99	9.80
\$30.00 to \$30.99	10.00
\$31.00 to \$31.99	10.20
\$32.00 to \$32.99	10.40
\$33.00 to \$33.99	10.60
\$34.00 to \$34.99	10.80
\$35.00 to \$35.99	11.00
\$36.00 to \$36.99	11.20
\$37.00 to \$37.99	11.40
\$38.00 to \$38.99	11.60
\$39.00 to \$39.99	11.80
\$40.00 to \$40.99	12.00
\$41.00 to \$41.99	12.10
\$42.00 to \$42.99	12.20
\$43.00 to \$43.99	12.30
\$44.00 to \$44.99	12.40
\$45.00 to \$45.99	12.50
\$46.00 to \$46.99	12.60
\$47.00 to \$47.99	12.70
\$48.00 to \$48.99	12.80
\$49.00 to \$49.99	12.90
\$50.00 to \$50.99	13.00
\$51.00 to \$51.99	13.10
\$52.00 to \$52.99	13.20
\$53.00 to \$53.99	13.30
\$54.00 to \$54.99	13.40
\$55.00 to \$55.99	13.50
\$56.00 to \$56.99	13.60
\$57.00 to \$57.99	13.70
\$58.00 to \$58.99	13.80
\$59.00 to \$59.99	13.90
\$60.00 to \$185.99	14.00
\$186.00 to \$199.99	(¹)
\$200.00 and over	(²)

(¹) Increase to \$200.
(²) No increase.

§ 1106.1120 Maintenance of practices.

The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by §§ 1106.1109, 1106.1110, 1106.1111, 1106.1112, 1106.1113, 1106.1114, or § 1106.1121. The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control.

§ 1106.1121 Practices defeating purposes of programs.

If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program. Practices which tend to defeat the purposes of this and previous programs shall include, but are not restricted to the following:

(a) The cutting contrary to good forestry practices of turpentine trees in drifts or tracts (including current non-working areas) on which costs have been or would be shared under this or the 1956, 1957, 1958, or 1959 Program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1956, 1957, 1958, 1959, or 1960 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d.b.h.—6 trees, 8 inches d.b.h.—9 trees, or 7 inches d.b.h.—12 trees, shall be left uncut and undamaged, of if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1963.

(b) Raising cups and tins without double-headed nails on faces where double-headed nails are required. There may be withheld or required to be refunded all of the cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) Picking up additional faces in the fourth or fifth year will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces. Such removal must be accomplished within 30 days of notification by the Forest Service.

(d) Failure to meet bark-bar requirement. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) The burning by the producer on any drift or tract of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the drifts or tracts in which such improper burning occurs.

(f) The installation of new faces on round trees less than 9 inches d.b.h. or more than one face on round trees less than 14 inches d.b.h. in tracts or drifts having working faces installed during or prior to the 1955 turpentine season. There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1955 in the tracts or drifts in which such installation occurs.

§ 1106.1122 Federal cost-shares not subject to claims.

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1106.1123 and except for indebtedness to the United States subject to set-off under order issued by the Secretary (Part 13, Subtitle A, of this title)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1106.1123 Assignments.

Any producer who may be entitled to any Federal cost-share under the 1960 Program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1960, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter), witnessed, however, by an inspector of the Program Supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

§ 1106.1124 Death, incompetency, or disappearance of producer.

In case of death, incompetency, or disappearance of any producer, his share of cost-sharings shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended (Part 1108 of this chapter).

§ 1106.1125 Maximum Federal cost-shares limitation.

The total of all cost-share under the 1960 Naval Stores Conservation and the 1960 Agricultural Conservation Programs to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of \$2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of \$10,000.

§ 1106.1126 Evasion.

All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade, or which has the effect of evading, the provisions of § 1106.1125.

APPLICATIONS FOR PAYMENT OF FEDERAL COST-SHARES**§ 1106.1127 Persons eligible to file application for payment of Federal cost-shares.**

An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the 1960 turpentine season, which were installed during or after the 1956 season. If it is determined that two or more producers contributed to carrying out the practice the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor that their respective contributions thereto were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

§ 1106.1128 Time and manner of filing applications and required information.

Payment of Federal cost-shares will be made only when a report of performance is submitted to the Forest Service on or before January 31, 1961, on the prescribed form (NSCP-1) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

APPEALS

§ 1106.1129 Appeals.

Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Regional Forester in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the Forest Service to review the case and render his decision, which shall be final.

DEFINITIONS

§ 1106.1130 Definitions.

(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (*Pinus palustris*) or slash pine (*Pinus elliottii* Engelm.).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material,

used to conduct the gum from a face into a cup.

(k) *D.b.h.* Diameter breast height; i.e., diameter of tree measured $4\frac{1}{2}$ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Back-face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* Double-headed nails specially designed for naval stores use are produced commercially by several manufacturers. The use of a double-headed nail meeting the following minimum specifications is required where this practice is used: The overall length shall be $1\frac{3}{8}$ inches; distance between heads a minimum of $\frac{1}{4}$ inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between $\frac{5}{32}$ and $\frac{1}{4}$ inches and diameter of clinching head $\frac{1}{4}$ inch. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.

(s) *Normal mortality.* Two percent (2%) of all faces in the tract or drift.

(t) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(u) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

AUTHORITY AND AVAILABILITY OF FUNDS,
APPLICABILITY AND ADMINISTRATION

§ 1106.1131 Authority.

This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1960.

§ 1106.1132 Availability of funds.

(a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appro-

priation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1961.

(c) If the total estimated earnings under the Naval Stores Conservation Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably.

§ 1106.1133 Applicability.

(a) The provisions of this program are not applicable to any turpentine operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Bureau of Land Management or the Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to (1) turpentine farms on privately owned lands, (2) lands owned by a State or political subdivision or agency thereof, or (3) lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes. Of the lands covered by subparagraph (3) of this paragraph only turpentine farms on lands meeting eligibility provisions of subparagraph (3) of this paragraph that are administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U.S. Department of Defense, shall be considered eligible unless the Forest Service finds that land administered by any other agency complied with all of the foregoing provisions for eligibility.

§ 1106.1134 Administration.

The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program, pursuant to the provisions of this bulletin, and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, 50 Seventh Street N.E., Atlanta 23, Georgia. Information concerning this program may be secured from the Forest Service, Valdosta, Georgia, or from any local Area Forester of the Forest Service.

Done at Washington, D.C., this 25th day of August 1959.

MARVIN L. McLAIN,
Acting Secretary.

[F.R. Doc. 59-7231; Filed, Aug. 28, 1959;
8:53 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Enders Dam and Reservoir, Frenchman Creek, Chase County, Nebraska

Pursuant to the applicable provisions of sections 7 and 9 of the Act of Congress approved December 22, 1944 (58 Stat. 890, 891; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of storage capacity for flood-control purposes in the Enders Reservoir on Frenchman Creek, Chase County, Nebraska, and the operation of Enders Dam for flood-control purposes:

§ 208.39 Enders Dam and Reservoir, Frenchman Creek, Chase County, Nebraska.

The Bureau of Reclamation, Department of the Interior, represented by its appropriate Project Manager, hereinafter referred to as the Project Manager, shall operate the Enders Dam and Reservoir in the interest of flood control as follows:

(a) The flood-control storage capacity of the reservoir, which initially amounts to 30,000 acre-feet, between elevations 3112.3 and 3127.0 shall be regulated as follows:

(1) For local flood control on Frenchman Creek below the dam with the objective, insofar as practicable, of limiting flows in the channel below the dam to a maximum of 800 c.f.s. or not to exceed 6.5 feet at the Palisade gage, whichever controls, by automatic release of water through the uncontrolled spillway notch (having a capacity of approximately 800 c.f.s. at elevation 3120.0 and 2,000 c.f.s. at elevation 3127.0); except when the pool is below elevation 3120.0, additional releases may be made, as required, through the river outlet valves (having a capacity of approximately 1,400 c.f.s. at elevation 3127.0) to utilize the full channel capacity of 800 c.f.s. below the dam; and, when the pool is at or above elevation 3123.5 and rising, to supplement releases by discharge through the river outlet valves with the objective of preventing or minimizing automatic operation of the high capacity spillway gates when the pool rises slightly above elevation 3127.0.

(2) For coordination of flood-control regulation in the Enders Reservoir with existing and potential flood conditions and the regulation of other flood-control reservoirs and projects in the Republican, Kansas, and Missouri River Basins, releases from and flood-control operation of the project will be adjusted as required for optimum effectiveness during all flood periods.

(b) The District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, hereinafter referred to as the District Engineer, shall issue instructions to the Project Manager for achievement of the necessary local

flood control below the dam and coordination of flood-control regulation of the reservoir with flood conditions and flood-control operation of other reservoirs and flood-control projects in the Republican, Kansas, and Missouri River Basins during flood periods and whenever the reservoir may contain impounded water in the flood control storage zone; and the District Engineer shall also issue special directions, if desirable, on the basis of flood conditions at the time, to the Project Manager for temporary modification of the provisions for local flood-control regulation contained in paragraph (a) (1) of this section. Oral instructions from the District Engineer to the Project Manager shall be confirmed in writing under date of the day issued.

(c) The discharge characteristics of the ungated flood-control notch incorporated into the spillway structure shall be maintained in accordance with the construction plans (Bureau of Reclamation Drawing No. 328-D-83, revision dated 3-13-50).

(d) Flood-control operations shall not restrict releases necessary for irrigation.

(e) Whenever the reservoir level reaches or exceeds elevation 3112.3, or flood discharges appear imminent, the Project Manager shall report at once to the District Engineer by telephone, telegraph, or radio and as requested thereafter until the reservoir level falls to elevation 3112.3 or below and flood discharges cease.

(f) Proposed schedules of irrigation releases and storage changes, if available, and current operating data shall be provided to the District Engineer by the Project Manager. These data shall be tabulated daily and furnished periodically as required, and shall include such items as reservoir elevation, reservoir storage, inflow, discharge, and pertinent available hydrologic data.

(g) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage.

(h) All elevations stated in this section are at the Enders Dam and are referred to the datum in use at that location.

[Regs., Aug. 11, 1959, ENGWE] (Secs. 7 and 9, 58 Stat. 890, 891; 33 U.S.C. 709)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-7229; Filed, Aug. 28, 1959; 8:52 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER G—PERSONNEL

PART 874—AVIATION CADET TRAINING

In Part 874, §§ 874.1 to 874.9 and §§ 874.15 and 874.21 are rescinded and the following substituted therefor:

Sec.	Purpose.
874.1	Mission.
874.2	Definitions.
874.3	Information sources.
874.4	Conduct of training.
874.5	Eligibility requirements.
874.6	Persons ineligible.
874.7	Waivers of minor offenses.
874.8	Application procedures.
874.9	Preliminary processing.
874.10	Final processing.
874.11	Information furnished applicants.
874.12	Reserve personnel of other services.
874.13	Notifying disqualified applicants.
874.14	Selection of applicants.
874.15	Civilian applicants.
874.16	Termination of training.
874.17	Students relieved from training.
874.18	Reinstatement of former students.
874.19	Appointment as an Officer, Reserve of the Air Force.
874.20	Termination of airman status.
874.21	Assignment of graduates.
874.22	Clothing.
874.23	

AUTHORITY: §§ 874.1 to 874.23 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 8257.

SOURCE: AFR 51-3, June 23, 1959.

§ 874.1 Purpose.

Sections 874.1 to 874.23 tell how to apply for flying training in either aviation cadet or aviation student grade.

§ 874.2 Mission.

The mission of the USAF Aviation Cadet Training Program is to train qualified and selected young men to become pilots and navigators. The aviation cadet training program is one of the Air Force's traditional sources of leadership. It provides commissioned flying officers for active duty and enables the Air Force to maintain a sizable reserve in the lower age bracket.

§ 874.3 Definitions.

For the purpose of §§ 874.1 to 874.23, the following definitions will apply:

(a) *Aviation cadet training program.* Includes all aircrew training courses whose graduates are awarded the aeronautical rating of pilot or navigator and are tendered appointments as commissioned officers of the Air Force.

(b) *Civilian applicants.* United States male citizens who are not in the military service, or members of the Air Force Reserve in Training Category A. The term "civilian" includes all other members of reserve components of the Armed Forces and the Air National Guard.

(c) *Tentatively qualified applicant.* An applicant who has successfully completed the aviation cadet preliminary examinations as defined in paragraph (f) of this section.

(d) *Fully qualified applicant.* An applicant who has successfully completed all qualifying examinations and who has been furnished written notification of his eligibility to compete for selection by the Commander, Air Training Command.

(e) *Selected applicant.* A fully qualified applicant who has received written notice from Hq, Air Training Command, of his selection and class assignment.

(f) *Aviation cadet preliminary test (written).* A written examination designated by Hq USAF for the purpose of determining the tentative qualifications of applicants who are otherwise eligible

for aviation cadet training in accordance with § 874.6.

(g) *Final qualifying examination.* A series of tests designated by Hq USAF for use in final qualification of aviation cadet applicants. Results of these tests determine aptitude for pilot and/or navigator training and officer quality as well as final medical qualification.

(h) *Air Force officer qualifying test (AFOQT).* The AFOQT is designed to evaluate those aptitudes and interests which are important for commissioned officer performance and success.

(i) *Aviation cadet.* A special and separate enlisted grade in the regular Air Force.

(j) *Student.* Unless otherwise specified in §§ 874.1 to 874.23, the term "student" used alone applies to both aviation cadets and aviation students.

(k) *Air Force Academy and aircrew examining center.* A Hq USAF designated facility, centrally located with respect to the source of aviation cadet applicants and having adequate facilities for final examination of such applicants.

§ 874.4 Information sources.

Information concerning the aviation cadet training program may be obtained from:

- (a) Air Force recruiting offices.
- (b) Air Force bases.
- (c) Air National Guard or Air Force Reserve units.

§ 874.5 Conduct of training.

The Air Training Command will procure, select, train, and commission applicants for this program. Applicants will undergo rigid examinations before they are selected for aviation cadet training. After successful completion of the training course, students are commissioned as second lieutenant, Reserve of the Air Force, and are awarded the aeronautical rating of either pilot or navigator. They will then be assigned to Air Force units or sent as student-officers to highly specialized advanced training courses.

§ 874.6 Eligibility requirements.

This section outlines the basic eligibility requirements and requisite qualifications which must be met at the time of application. The examining officer will reject all applicants who fail to meet the minimum eligibility requirements.

(a) *Age and citizenship.* Applicants must be male citizens of the United States between the ages of 19 and 26½ at the time of application. Selected applicants must be enrolled in a specific flying training class prior to their 27th birthday. Applicants under age 21 must secure the written consent of either parent or guardian in accordance with § 874.9. DD Form 373, "Consent, Declaration of Parent or Legal Guardian," will be used for this purpose.

(b) *Marital status.* Applicants must be unmarried at the time of application and must agree in writing to remain unmarried for the duration of the training program. See item 24, AF Form 56, "Application for Commission, For Training

Leading to a Commission, or For Flying Training In Officer Grade."

(c) *Residence.* Civilian applicants must be residing at time of application in the United States, Puerto Rico, or the Panama Canal Zone.

(d) *Educational qualifications.* The minimum educational requirement is high school graduate level. Civilian applicants must have completed high school as evidenced by a diploma or certificate of graduation. Prior service applicants not graduated from high school may apply if they have completed the entire battery of USAFI high school level GED tests with a minimum standard score of 35 on any one or with an average standard score of not less than 45 on all five tests as evidenced by a USAFI certificate. Documentary evidence of highest educational level achieved will be required with the application.

(e) *Eligibility for enlistment.* All applicants must be eligible to enlist or reenlist in the Air Force in accordance with current AF directives.

(f) *Moral character.* Applicants must be of the highest moral character.

(g) *Medical standards.* All applicants must meet the medical standards for the type training desired in accordance with current AF directives.

(h) *Background.* All applicants must meet the security requirements in accordance with current AF directives.

§ 874.7 Persons ineligible.

The following persons are ineligible to apply for aviation cadet training:

(a) For pilot training, a person who holds or has held the aeronautical rating of pilot or comparable rating in any of the Armed Forces of the United States. (Army aviation is not comparable for this purpose.)

(b) For navigator training, a person who holds or has held the aeronautical rating of navigator or comparable rating in any of the Armed Forces of the United States.

(c) A person eliminated or disenrolled from a course of training leading to commissioned status conducted by any of the Armed Forces or military service academies of the United States unless recommended by the eliminating authority for further training leading to a commission.

(1) Eligibility of persons disenrolled or eliminated from officer training courses, to include those disenrolled or eliminated from the advanced phase of any ROTC course, will be determined by review of the DD Form 785, "Record of Disenrollment from Officer Candidate-Type Training", in all cases, and the faculty board proceedings, when applicable. For those applicants who have been disenrolled or eliminated from the basic phase of any ROTC course, a DD Form 785 will not be required to determine eligibility for aviation cadet training. Requests for information upon which determination of eligibility may be made will be obtained by the recruiting detachment commanders for all civilian applicants from:

(i) The Commandant, Professor of Air Science, or Air Force Supervisor of

the appropriate school in the case of persons disenrolled from Air Force officer candidate-type training courses. Questionable cases will be referred to Headquarters, ATC for determination of eligibility or other appropriate action.

(ii) The Director of Personnel Procurement and Training, Headquarters USAF in the case of persons disenrolled from schools conducted by services other than the Air Force.

(2) Requests for determination of eligibility will include the name of the applicant, serial number (if applicable), courses or type of previous training, place and date of disenrollment, and type of training for which current application is made.

(3) Courses of training applicable to this paragraph include but are not limited to:

(i) Aviation Cadet Training—Air Force or Navy.

(ii) ROTC—Advanced course of Army, Navy or Air Force ROTC.

(iii) Service Academies—U.S. Military Academy, U.S. Naval Academy, U.S. Air Force Academy, U.S. Coast Guard Academy, Merchant Marine, and State Maritime Colleges.

(iv) Officer Candidate Schools—Army, Navy, Air Force, Marine, and Coast Guard.

(v) U.S. Marine Platoon Leaders Course.

(vi) U.S. Navy Reserve Officer Candidate (ROC) Program.

(d) A person who has a record of conviction by any type of court-martial or civilian court, other than for a minor traffic violation. If appropriate, a request for waiver of a minor offense not considered prejudicial to the performance of duty as an officer may be sent to the Commander, ATC for consideration in accordance with § 874.8. Punishment imposed under article 15, Uniform Code of Military Justice, is nonjudicial punishment and will not be considered as conviction by courts-martial. A waiver will not be granted for an offense that involves moral turpitude. Requests for waiver will not be submitted if moral turpitude is clearly evident.

(e) A person who is a conscientious objector.

(f) A person whose entry into or retention in the Air Force may not be clearly consistent with the interests of national security.

(g) A Selective Service System registrant who has been ordered to report for active military service with any of the Armed Forces, and a registrant classified 1-A(P), 1-A-0, 1-0, or 4-F.

(h) Minor applicants (under age 21) without the written consent of either parent or guardian.

(i) An applicant who fails to attain the minimum qualifying score on one of the prescribed written tests is not eligible to apply for reexamination until one year has elapsed from the date of the last examination.

(j) A nonselected applicant may not reapply until one year has elapsed from the date of his last preliminary testing.

§ 874.8 Waivers of minor offenses.

(See § 874.7(d).)

(a) A civilian applicant may submit a request for waiver of a minor offense to any USAF Recruiting Detachment Commander. This commander will forward the applicant's completed application (AF Form 56) and request for waiver to the Commander, ATC. Each request for waiver will contain complete information in regard to the offense and circumstances involved and will be considered on its own merits as substantiated by the following:

(1) Copy of court record if applicant has a record of conviction by any military or civilian court.

(2) Detailed statement by the applicant concerning the offense and circumstances involved.

(3) Any additional documentary evidence substantiating the applicant's statement or justifying the request, such as statements from other persons, records of outstanding achievements, awards, and so forth.

(4) Commanders of recruiting detachments will review applications and submit recommendations giving reasons for approval or disapproval. The length of time since the offense was committed, age of applicant at time of offense, and the nature and quality of applicant's service and/or conduct since the offense will be indicated by the recommending officer.

(b) A request for waiver will not be submitted until the applicant has been released from all restraint, probation, or parole for a minimum period of 6 months, or until 6 months has elapsed from the date of conviction, provided no confinement, parole, or probation is imposed.

§ 874.9 Application procedures.

Application will be made by completing AF Form 56 in duplicate. The applicant's attention will be directed to item 24, AF Form 56, whereby the applicant agrees that, upon successful completion of the training course, he will accept an appointment as an officer in the Reserve of the Air Force in career reserve status for the period prescribed in current AF directives. In the case of minor, such agreement will be signed with the consent of either parent or guardian (DD Form 373). The signature will be notarized. Each application will contain:

(a) Evidence of date of birth which may be in the form of a birth certificate, an authenticated copy thereof, or other documentary evidence.

(b) Evidence of citizenship, if the applicant is not a citizen by birth, in the form of a certificate, signed by an officer, notary officer, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original certificate of naturalization number _____ (or certified copy of court order establishing citizenship) stating that _____ was admitted to

(Full name)

United States citizenship by the _____

Court of _____, _____ on _____
(District or county) (State)

(Date)

NOTE: Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances. Such is a criminal offense under the Act of June 25, 1948 (62 Stat. 767, 18 U.S.C. 1426(h)).

(c) An official transcript of college credits indicating the type undergraduate or graduate degree awarded. Applications from students enrolled in their senior year of college within 135 calendar days of scheduled graduation will be processed as college graduate applicants. Applications from these persons will include a statement attesting to the fact that he is enrolled in his senior year of college and giving the date he is scheduled to graduate, and the type of degree to be awarded. This statement will be used in lieu of the official transcript of college credits until the transcript can be made available after graduation.

(d) Evidence of having completed high school, where applicable, as evidenced by a diploma or certificate of graduation, or, if applicable, a certificate from the United States Armed Forces Institute (USAFI) indicating standard scores of not less than 35 on any one or an average standard score of not less than 45 on all five tests of the USAFI high school level GED tests.

(e) A loyalty certificate. Each applicant will be required to read the current directive on the security program and to complete DD Form 98 "Armed Forces Security Questionnaire."

(f) Members of Reserve Forces of the United States will attach a statement indicating service number, military status at time of application, and Reserve assignment.

(g) "Data Processing Control (Application for Aviation Cadet Training)," AF Form 338.

§ 874.10 Preliminary processing.

(a) All applicants. Aviation cadet preliminary processing is administered locally by USAF Recruiting Detachment Offices for civilian applicants. Applicants who successfully complete the preliminary phase will be considered "tentatively qualified". Candidates for appointment to the Air Force Academy and former AFROTC students who have been administered AFOQT testing will not be required to take the Air Force Cadet Screening Test (AFCST) provided they attained qualifying stanine scores for the training requested. Civilian applicants will be scheduled for final processing at the nearest Air Force Academy and Aircrew Examining Center. Preliminary processing procedures include:

(1) Completion of AF Form 56 in duplicate by the applicant.

(2) A check to insure that the applicant meets the eligibility requirements and has necessary supporting data such as birth certificates and scholastic records.

(b) Civilians. (1) A civilian applicant will normally apply at a USAF Recruiting Service Office. In remote areas applicants may apply at the nearest Air Force Base.

(2) The USAF Recruiting Service, Armed Forces Examining Stations, and Recruiting Processing Units are responsible for the preliminary processing of aviation cadet applicants from civilian sources. The functions of procurement and processing are outlined as follows:

(i) The USAF Recruiting Wing is charged with the specific responsibility of stimulating interest in the aviation cadet training program throughout civilian communities and educational centers. Air Force recruiters will insure that applicants meet eligibility requirements and have necessary supporting data such as birth certificates and scholastic records. In addition, recruiting activities will:

(a) Review each application for completeness and accuracy.

(b) Ascertain that applicants meet basic age, citizenship, and educational requirements and that documentary evidence is attached to the application.

(c) Arrange for the scheduling and transportation to the nearest Air Force Academy and Aircrew Examining Center for final processing. Applicants will be advised of the hour and date on which they are to appear.

(d) Advise disqualified applicants of the reason for disqualification.

(e) Advise applicants who successfully complete the preliminary processing that they are "tentatively qualified" for aviation cadet training, but that a final determination of their eligibility for training cannot be made until they complete the final qualifying and medical examinations and are notified in writing. The recruiting activity Commander will make a definite appointment for the tentatively qualified applicant to appear at the appropriate Air Force Academy and Aircrew Examining Center. When scheduled, these applicants will be furnished Government paid transportation to the nearest Examining Center and return, as authorized by paragraph 5050 or 5051, Joint Travel Regulations.

(f) Inform those who fail to attain the minimum qualifying score on the AFCST that they may reapply after one year has elapsed from the date test was taken, provided they are otherwise qualified.

NOTE: Under no circumstances will test scores be divulged to applicants.

(g) In the case of applicants found disqualified in preliminary processing, return personal documents to the applicant. The duplicate of AF Form 56 will be retained at the Recruiting Detachment for one year.

(ii) USA and USAF Recruiting Processing Units will:

(a) Receive and process all aviation cadet applicants forwarded by the Air Force Recruiting Service.

(b) Enlist selected applicants for a period of 2 years. Upon enlistment, the selected applicant will be immediately appointed an aviation cadet. Such applicants will be enlisted and appointed in accordance with current AF directives.

(iii) The USAF Recruiting Service is authorized to administer the AFCST at

recruiting offices and on high school/college campuses if prior approval of the schools concerned has been obtained. The AFCST will be administered at the Armed Forces Examining Stations (AFES) when it is more expedient and economical to do so at that level. Prior to administering the AFCST, the USAF Recruiting Service or the AFES will assure that applicants are otherwise fully qualified to apply for aviation cadet training.

(iv) Normally, written examinations will be administered and scored prior to scheduling for further processing. In those cases where an applicant has successfully completed the AFCST, which was administered by the Recruiting Service, the applicant will be scheduled for his final processing at the nearest Air Force Academy and Aircrew Examining Center, as outlined in subdivision (i) (c) of this subparagraph. An applicant will not be forwarded to an Air Force Academy and Aircrew Examining Center, under any circumstances, without prior arrangements being made.

§ 874.11 Final processing.

(a) *General.* All applicants, in order to qualify for aviation cadet training, must attain passing scores on all tests administered for the type training desired in addition to meeting the required medical standards. Applicants may apply for either pilot or navigator training or for both programs, indicating their preference. If an applicant who applies for both programs is found disqualified for the training of his first choice, he will automatically be considered for his second choice. If an applicant declines to indicate a second choice but is found qualified for the alternate training, he may be considered for the alternate training, providing upon notification, he indicates his acceptance in writing or his application is changed accordingly and initialed by the applicant.

(b) *What final processing is necessary.* Each tentatively qualified applicant referred to an Air Force Academy and Aircrew Examining Center for final processing will be administered the AFOQT, a complete medical examination for flying training as prescribed in current AF directives, and such other examinations as may be directed by Hq USAF. Normally, the written examinations will be administered and scored prior to scheduling the medical examination. Applicants who fail to attain the minimum qualifying score on the Officer Quality portion of the AFOQT will not be processed further. Applicants who fail to attain the minimum qualifying score on the Pilot and Navigator Technical Portions of the AFOQT will not be processed further. Recorded qualifying AFOQT scores, regardless of date obtained, are acceptable for applicants applying for aviation cadet training. Individuals will not be retested on the AFOQT for the purpose of improving available qualifying scores. Retesting with the AFOQT is authorized only if scores obtained are not available or incomplete. In any event, retesting with the AFOQT regardless of form will not be accomplished

within one year of the date of last test administered.

§ 874.12. Information furnished applicants.

(a) *General.* Each applicant who successfully completes the final processing will, prior to his departure from the examining center, be advised that he is fully qualified, subject to administrative and medical review of his application by the Commander, ATC. His application will be forwarded to the Commander, ATC, where it will be reviewed and considered for selection on a competitive basis. Selections will be based on results of the examinations completed, together with overall qualifications of the applicant. Each applicant will be advised in writing of his status by the Commander, ATC, as soon as possible, but not later than 4 weeks from receipt of his application. Applicants who are not selected within a period of 1 year will be notified and their personal documents returned.

(b) *Fully qualified applicants—(1) Draft deferment for selected civilian applicants.* A draft eligible civilian applicant who is subsequently notified of his selection for aviation cadet training will be furnished a 4-month draft deferment by the Commander, ATC. If an applicant is ordered to report to active military service by the Selective Service System before his deferment is issued or after his deferment expires his application for aviation cadet training will be canceled.

(2) *Medical status.* A report of medical examination (SF 88) must be accomplished within 90 days of the date of application for aviation cadet training. At time of entry into training, the report of medical examination must not be more than 1 year old. If the report of medical examination has expired, the selected applicant will be required to undergo a second medical examination. Fully qualified civilian applicants will be instructed that the two copies of the completed SF 88 furnished them must be submitted to the enlisting agency.

(3) *Enlistment.* After notification of selection and class assignment, selected civilian applicants will be required to enlist in the Regular Air Force for a period of 2 years in the grade authorized by current enlistment directives. Applicants will be appointed aviation cadets or aviation students immediately upon completion of enlistment proceedings. In the letter of notification of selection and class assignment, the Commander, ATC, will advise the applicant of the earliest date on which he can be enlisted so that the applicant will not arrive at Lackland Air Force Base earlier than is necessary for the start of training.

(4) *Changes affecting status of fully qualified or selected applicants.* Fully qualified or selected applicants need not take any further action regarding their application unless requested to do so. However, the Commander, ATC, must be informed of any changes which affect an applicant, such as:

(i) Enlistment in the Regular Air Force.

(ii) For those enlisted, advancement to noncommissioned officer grade which

would permit assignment to training as an aviation student.

(iii) Change of address.

(iv) Modification of physical status which would be disqualifying for training.

(v) Change of desire for training.

(vi) Receipt of notification from the Selective Service System ordering the applicant into the active military service of the United States.

(vii) Change of marital status.

(viii) Receipt of orders to enter the active military service by a fully qualified or selected applicant who is a member of a Reserve Force of the United States other than the Air Force.

(5) *Conviction of offenses committed after notification of qualification.* Civilian applicants who are guilty of offenses committed after the date they are determined fully qualified will be processed under the provisions of current AF directives.

(6) *College seniors applying as college graduates.* See § 874.9(c). Applications of students enrolled in their senior year of college who apply for aviation cadet training within 135 calendar days of their scheduled graduation date will be processed as college graduates. Those who are determined fully qualified will be advised to furnish a copy of their college transcript on graduation to the Commander, ATC, so that they may receive selection priority. Immediately upon receipt of the college transcript, the Commander, ATC, will furnish the applicant with a tentative class assignment.

§ 874.13 Reserve personnel of other services.

Members of Reserve forces, other than airmen of the Air Force Reserve, who are neither in nor alerted for active military service may apply for aviation cadet training and will be processed as civilian applicants. Reservists in other than the Air Force Reserve must secure a contingency release from the service in which they hold reserve status.

§ 874.14 Notifying disqualified applicants.

In the event an applicant is found disqualified for aviation cadet training during his processing, he will be verbally notified of the reasons. If the disqualification becomes apparent after the applicant has departed the Examining Center, he will be notified in writing of the reason for disqualification.

§ 874.15 Selection of applicants.

Selection of fully qualified applicants will be made by the Commander, ATC, on a competitive basis applying the best qualified method of selection with emphasis given to formal educational achievements. Class assignments to training will be made in the following order of priority:

(a) College graduates with a baccalaureate degree or higher.

(b) Individuals having completed 2 or more years of college (60 passing semester hours or 90 passing quarter hours) but less than a baccalaureate degree.

NOTE: In order to receive priority under paragraphs (a) or (b) of this section, the

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school from which the education was attained must be listed in the latest issue of Part 3, "Higher Education," Education Directory, published by the Office of Education, Department of Health, Education and Welfare. Copies of this publication may be obtained directly from that department.

(c) All others, based on results of examinations taken and by date of qualification.

§ 874.16 Civilian applicants.

The Commander, ATC, will furnish draft deferments (DD Form 44 "Record of Military Status of Registrant"), letters of acceptance, and class assignments to selected applicants. The applicant will be furnished the duplicate of DD Form 44 and the original will be forwarded without delay to the local Selective Service Board of the applicant. Letters of acceptance will authorize selected applicants to enlist in the Regular Air Force for a period of 2 years, as outlined in § 874.12(b)(3). After enlisting and being appointed an aviation cadet, the selected applicant will be assigned to the Air Force Preflight School, Lackland Air Force Base, Texas.

§ 874.17 Termination of training.

(a) *Suspension.* When the faculty board of an Air Force School determines that a student is no longer qualified to continue in his course of training, the Commandant or Air Force Supervisor, as applicable, will suspend the student from training. Upon final approval of the faculty board proceedings, the Commandant will terminate the student's appointment as an aviation cadet or status as an aviation student. The faculty board proceedings will indicate in all instances whether the student is recommended for further aircrew training or officer candidate training at a later date. Specific reasons will be given in the faculty board proceedings if the recommendations are in the negative. Responsible commanders will insure at the time of elimination that the student is given a thorough and proper hearing and that all extenuating circumstances have been completely reviewed.

(b) *Grade.* In the case of students eliminated from training, the Commandant will appoint the eliminated student to the airman grade held immediately prior to his appointment as an aviation cadet.

(c) *Separation from the Air Force.* The Commandant will afford an eliminated student, whose current enlistment was specifically for aviation cadet training, the opportunity to request separation from the Air Force or to complete his enlistment contract. The eliminated student must indicate in writing, at the time of his elimination, his desire to complete his enlistment or to be immediately separated from the service. Should he elect to complete his enlistment contract, he will not be permitted to request separation from the Air Force at a later date because of his elimination. Eliminated students who request separation and who have a remaining service obligation will be transferred to the Air Force Reserve and initially assigned to the Ineligible Reserve Section. Personnel who become members of the

Air Force Reserve are deferred or exempt from induction provided they meet the participation requirements contained in current AF directives.

§ 874.18 Students relieved from training.

(a) *Reassignment.* Eliminated or disqualified students, other than those discharged or released from active duty in accordance with § 874.17(c), will be reassigned.

(b) *Service-credited.* Periods of service as an aviation cadet or aviation student will be credited as time spent in the airman grade held at the time of appointment as an aviation cadet or designation as an aviation student and will be credited in computing the service remaining under the original enlistment contract.

§ 874.19 Reinstatement of former students.

(a) A student previously eliminated from a flying training course conducted by an Armed Force of the United States will not be reinstated unless recommended by the eliminating authority for further aircrew training. A student previously eliminated from a course of flying training by reason of flying deficiency will not be reinstated in the same course of training under any circumstances. Students applying for training under this paragraph will not normally have in their possession written evidence indicating recommendation for further flying training. Therefore, their completed applications will be forwarded through military channels to Hq USAF. The Director of Personnel Procurement and Training will review the application and will make final determination on the eligibility for training based upon recommendations of the eliminating authority. Approved faculty proceedings are final and conclusive, and decisions reached by the faculty board are not subject to appeal.

(b) *Military deficiency.* Students eliminated from training because of military deficiency will not be reinstated.

(c) *Medical.* Students eliminated from training because of medical disqualification may reapply, if a subsequent medical examination indicates that the previous disqualification has been corrected or no longer exists. However, the former students must meet all other requirements for appointment and must have been recommended for reinstatement by the eliminating authority.

(d) *Resignation.* A student who resigns from the training program will not be reinstated.

(e) *Emergency leave.* Under such regulations as may be issued by the Commander, ATC, a student may be granted emergency leave. In such an instance, he will be held over for succeeding classes, if necessary. The length of time involved or the number of "holdovers" granted any one student will be determined by the Commander, ATC.

(f) *Reinstated students.* The phase of training to which eligible students may be reinstated will be determined by the Commander, ATC.

§ 874.20 Appointment as an officer, Reserve of the Air Force.

(a) *Tendering appointment.* Students who successfully complete the prescribed basic flying training course and who are mentally, morally, and physically qualified will be tendered appointments as second lieutenant, Reserve of the Air Force. Each graduate, so appointed, will be ordered into the active military service as a career reserve officer. The officer will serve for a minimum period of 4 years from the date of graduation from basic flying training unless sooner relieved by competent authority. Each graduate will be awarded the aeronautical rating appropriate to his training and concurrently will be ordered to participate in regular and frequent aerial flights.

(b) *Review.* Before graduation, the faculty board of the school will review the qualifications of each student and will prepare for each one a report indicating that he is or is not mentally, morally, physically, and professionally qualified for appointment in the grade of second lieutenant, Reserve of the Air Force, with appropriate recommendations for appointment. If the recommendation is in the negative, appropriate elimination action will be taken.

(c) *Graduates who decline to accept appointment.* A graduate who declines to accept an appointment as an officer, Reserve of the Air Force, will be disposed of as an eliminated student. His appointment as an aviation cadet or status as an aviation student, will be terminated as outlined in § 874.17 and he will be reassigned within the Air Force in accordance with § 874.18.

§ 874.21 Termination of airman status.

(a) *Discharge.* When commissioned in accordance with § 874.20, the student will be discharged from his airman status. The commandant will prepare a discharge certificate and report of separation as of the day preceding the date of acceptance of appointment as a commissioned officer. The discharge certificate and report of separation will not be delivered to the graduate until after the oath (AF Form 133 "Oath of Office") as a commissioned officer has been administered.

§ 874.22 Assignment of graduates.

The Commander, ATC, will send the names of expected graduates who are not scheduled for advanced flying training to Hq USAF in accordance with current directives. Graduates of basic flying training courses who are selected for advanced flying training, will be assigned as directed by the Commander, Air Training Command.

§ 874.23 Clothing.

Aviation cadets selected from civilian status will be provided clothing under the clothing monetary allowance system.

[SEAL] CHARLES M. McDERMOTT,
Colonel, U.S. Air Force, Deputy
Director of Administrative
Services.

[F.R. Doc. 59-7227; Filed, Aug. 28, 1959;
8:52 a.m.]

Subchapter J—Air Force Procurement Instructions

Miscellaneous Amendments to Subchapter

The following miscellaneous amendments are issued to this subchapter:

PART 1013—GOVERNMENT PROPERTY**Subpart A—General**

1. Section 1013.101 is deleted and the following substituted therefor:

§ 1013.101 Definitions.

See § 13.101 of this title.

2. Sections 1013.101-1 through 1013.-101-17 are added as follows:

§ 1013.101-1 Property.

See § 13.101-1 of this title.

§ 1013.101-2 Government property.

See § 13.101-2 of this title.

§ 1013.101-3 Contractor-furnished property.

See § 13.101-3 of this title.

§ 1013.101-4 Material.

See § 13.101-4 of this title.

§ 1013.101-5 Special tooling.

See § 13.101-5 of this title.

§ 1013.101-6 Industrial facility.

"Industrial facility" is further defined for contracting and costing purposes as including all property acquired for the performance of a contract, and not incorporated in the contract end items, of a type which would normally be capitalized for contractor's Federal income tax purposes if the contractor retained title thereto. For this purpose the term "property" includes improvements and attachments and any other items the cost of which would be so capitalized. Section 1013.2406 contains further guidance for use in determining whether or not specific items should be considered as industrial facilities.

§ 1013.101-7 Industrial property.

See § 13.101-7 of this title.

§ 1013.101-8 Non-severable industrial facility.

See § 13.101-8 of this title.

§ 1013.101-9 Plant equipment.

See § 13.101-9 of this title.

§ 1013.101-10 Production equipment.

See § 13.101-10 of this title.

§ 1013.101-11 Machine tools.

See § 13.101-11 of this title.

§ 1013.101-12 Accessory item.

See § 13.101-12 of this title.

§ 1013.101-13 Auxiliary item.

See § 13.101-13 of this title.

§ 1013.101-14 Salvage.

See § 13.101-14 of this title.

§ 1013.101-15 Scrap.

See § 13.101-15 of this title.

§ 1013.101-16 Facilities contract.

"Facilities contract" means a contract between the Government and the contractor providing to the contractor existing Government facilities and/or funds for the acquisition of facilities for the production or development of USAF material and services.

§ 1013.101-17 Educational or other nonprofit organization.

See § 13.101-17 of this title.

3. Sections 1013.101-60, 1013.101-61, and 1013.101-62 are added as follows:

§ 1013.101-60 Application for industrial facility; Appendix A.

A formal written proposal from the contractor to the Government requesting the Government to make available, at Government expense, certain listed additional industrial facilities. The Government, if it approves the need for such facilities, may either furnish the industrial facilities or reimburse the contractor for facilities fabricated or acquired. Title to all such facilities will remain or be vested in the Government. Proposals will be prepared according to §§ 1013.-2403 and 1013.2404.

§ 1013.101-61 Processing letters; short form.

Formal emergency requests for facilities funds written by facilities project officers in those instances where the urgency of a facilities expansion dictates the necessity for individual fund requests. Processing letters will be prepared for the signature of the Director of Procurement and Production, Hq AMC, to Hq USAF, recommending approval of the facilities expansion project, including release of funds required therefor.

§ 1013.101-62 Vehicles.

Vehicles, categorized into general-purpose, special-purpose, construction, and materials-handling, are defined in paragraph 2, chapter 1, AFM 77-1. For the purposes of this part, towing tractors used to remove end items from the production line and/or to return them to the production line for correction or modification are placed in the category of materials-handling vehicles.

§ 1013.101-63 [Redesignation]

4. Section 1013.101-64 is redesignated § 1013.101-63.

5. A new § 1013.101-64 is added as follows:

§ 1013.101-64 Industrial real property.

Industrial real property is real property, as defined in § 1013.101-63, which is acquired or utilized for the establishment or expansion of public or private industrial plants.

6. Section 1013.102-3 is revised through paragraph (d), as follows:

§ 1013.102-3 Facilities.

It is AF policy that contractors will provide their own facilities rather than rely on the initial or continued provision of Government-owned facilities. For effectiveness, it is essential that this policy

be observed and adhered to during the early stages of AF planning, development of sources, and programming for procurement requirements. Only in cases where it is clearly in the Government's interest to provide industrial facilities to contractors for performance on AF contracts, will the requests for such provisioning be processed for approval. The procuring activity will support this policy by exhaustive search for open capacity before placing supplies and services contracts, including those for research and development, which require Government provided facilities. Such contracts will not be placed until open capacity and the maximum degree of subcontracting, consistent with economy and product control, have been considered. Consistent with the policy that contractors will not be given competitive advantage through use of Government provided facilities, the willingness of a contractor to provide and use his own facilities in lieu of Government provided facilities will be a major factor of consideration during the negotiation process. The procuring activity will determine, when considering this factor, whether the provision of facilities will be in the Government's best interests. In reviewing the requirements for provision of industrial facilities the following policies will be observed:

(a) *The Industrial Base; utilization of existing facilities.* Existing industrial facilities, which compose the Air Force Industrial Base, will be screened for use in the following order (in preference to Government financed facilities expansions):

(1) Privately owned facilities and production equipment.

NOTE: Contractors will be encouraged to provide all required facilities and production equipment on the most economical basis.

(2) Privately owned facilities and associated Government owned production equipment not available in the civilian economy.

(3) Government-owned facilities and production equipment.

NOTE: Government-owned facilities and equipment will be included in the industrial base for the sole purpose of remedying known deficiencies in privately owned capacity, when such action is in the best interest of national security.

The screening of existing facilities will include any standby installations of the Military Departments and other Government agencies and also the existing subcontracting sources to insure that maximum use will be made of available resources. Privately owned industrial facilities will not be dropped from the industrial base in order to justify retention of Government-owned facilities. The preference for privately owned facilities, and production equipment indicated in subparagraphs (1) and (2) of this paragraph will not apply to those Government-owned overhaul, repair, and production facilities, which, because of their integrated support, are considered organic to the military or must be under military command in an emergency, e.g., service or work of a specialized nature or mission pertaining to special weapons or defense systems.

(b) *Capacity of the Industrial Base.* The Industrial Base, paragraph (a) (1), (2), and (3) of this section, will not exceed that needed to support, on the most efficient and economical basis, the combat readiness of the Air Force, its phased expansion, and the production rates that will satisfy AF combat replacement or consumption requirements, as provided in guidance approved or issued by the Secretary of Defense. No Government-owned industrial facilities will be retained which are excess to the fulfillment of these requirements. (See paragraph (c) of this section.) In general when Government financed facilities are required, they will be provided: (1) Only to the extent necessary to meet current procurement (supply, service, research and development) contract requirements, or (2) to provide limited facilities augmentation for selected items noted in AFL 78-16. Normally, facility expansions will be based on a two-shift, 5-day work week.

(c) *Exceptions.* Request for exceptions to the policies stated in paragraphs (a) and (b) of this section may be made through channels to the Secretary of Defense. These requests will contain a full justification of the basis upon which the exception is requested. When disposition of facilities might significantly affect national, regional, or local economies, the Secretary of Defense will be fully advised in advance of specific action. Reports Exemption Symbol DD-S&L(EXR) 76 is assigned to the information required by this section.

(d) *Reduction of industrial vulnerability.* Factors pertinent to industrial vulnerability are contained in Air Force regulations.

Subpart C—Special Tooling

A new Subpart C is added as follows:

§ 1013.350 Use of special tooling on work other than for a Military Department.

Whenever special tooling is made available for use on work other than for a Military Department, the general policy set forth in § 13.601-1 of this title regarding the use of facilities applies to the use of special tooling. Requests by a foreign government for rent-free use of special tooling will be processed in the manner prescribed in § 1013.601-1 for industrial facilities except that such requests should be forwarded to Hq USAF, attn: AFMPP-PR.

Subpart D—Industrial Facilities

1. Section 1013.402 is deleted and the following substituted therefor:

§ 1013.402 Separate facilities contract.

Where industrial facilities are to be provided to a contractor under the circumstances set forth in § 13.402 of this title (and paragraphs (a), (b), (c), and (d) of this section); the procurement (supply, service, research and development) contract will include the applicable provisions of § 1013.402-50.

(a) Facilities not exceeding \$50,000. Prior to the authorization of acquisition of new industrial facilities, the buyer will thoroughly screen for the availability of

facilities from existing Government stocks. When the cumulative total acquisition cost of Government industrial facilities acquired, fabricated or furnished from Government sources under procurement contracts exceeds \$50,000, at one plant or general location, action will be initiated to transfer such property to a facilities contract by the Air Force offices that have administration of the procurement contracts.

(b) Construction work. (See § 13.402 of this title). (See § 1013.402-50).

(c) Provision of facilities for procurement contract work at Government owned-Government operated installations:

(1) *Obtaining coordinations for provisioning.* The base or installation commander will normally arrange for the providing of facilities for work within establishments or installations operated by the Government and will prescribe the terms and conditions under which such facilities are to be used. Any provision for use of facilities which are located or to be located within an establishment or installation operated by the Government and provided under a contractual instrument issued by an Air Force activity not under the direction of the commander of such establishment or installation shall be subject to the coordination of such commander. To avoid misunderstandings concerning use by contractors of facilities at Government installations it is essential that contracting officers obtain definite commitments in these coordinations regarding the facilities involved prior to procurement contract award. If the contractor is to be given exclusive possession and control of any of the facilities, the contractual arrangement under which the facilities are provided shall comply with the requirements of Subparts D and E, Part 13 of this title and Subparts D and E of this part (also see § 1013.402-50).

(2) *Alternate use of procurement or facilities contracts.* If required facilities are not to be provided from the base commander's inventories or budgeted funds, the facilities may be provided under a supply, service or research and development contract issued by the cognizant procurement office or under a facilities contract issued by the facilities contracting office whichever method of contracting is advantageous for purposes of property accountability and administration.

(3) *Funding.* Facilities funds (P-151) are not to be used for facilities expansions for contractors at Government-owned Government-operated installations unless authorized by Hq USAF. If the base or installation is unable to provide funds from its budget and the use of P-151 funds is not authorized, appropriate funds will be obtained by the procurement office.

(4) *Expansion procedures.* (i) *Providing facilities under procurement contracts.* Where facilities are to be provided at Government-owned Government-operated installations, the procuring contracting officer will obtain coordination referenced in paragraph (c) (1) of this section and incorporate the ap-

plicable provisions of § 1013.402-50 in the procurement contract.

(ii) *Providing facilities under facilities contracts.* If, as in paragraph (c) (2) of this section, it is determined by the procuring contracting officer in conjunction with the facilities contracting office and the Installation involved that a facilities contract should be used as the proper contractual instrument, then the facility expansion procedures of Subparts D and X of this part will be followed in preparing and processing facilities clauses and facilities applications and "Appendix AS."

(d) *Facilities provided under service contract involving operation of a Government-owned plant or installation.* If additional facilities are to be acquired or fabricated under a service contract under which a Government-owned plant or installation is operated, the requirements of § 1013.402-50 will be complied with. Such facilities and any additional Government furnished facilities will be contractually covered in the same manner as the plant. If an Air Force facilities lease or contract exists or is negotiated at a later date with the contractor covering such plant, the facilities will be transferred to such facilities or lease contract by the Air Force office that has administration of the service contract. Where a base, installation or test site is operated by a contractor for the Government, permission for use of facilities thereon may be granted by the contracting officer administering the contract for operation of such installation.

2. Section 1013.402-50 is added as follows:

§ 1013.402-50 Provisions applicable to procurement contracts.

(a) *Facilities provided under cost-type procurement contracts.* (1) Where existing facilities are to be furnished under the terms of a cost-type procurement contract, no separate clauses covering such facilities are required other than the Government furnished property clause set forth in § 13.503 or § 13.506 of this title, whichever is applicable. The items of facilities will be listed or specified in the Schedule as Government-furnished property.

(2) Where the acquisition or fabrication of facilities is authorized in a cost-type contract, in addition to inserting the Government Property clause of § 13.503 or § 13.506 of this title, the following clause will be set forth in the Schedule. The facilities authorized will be listed following the clause, together with the estimated cost of each set forth and the total estimated cost of all such facilities:

FACILITIES ACQUIRED OR FABRICATED

Subject to the approval of the Contracting Officer, the Contractor may acquire or fabricate the facilities hereafter listed. Costs incurred therefor will be allowable costs, provided that the contractor shall have no obligation to acquire or fabricate facilities and the Government will have no obligation to reimburse any amount for such facilities in excess of the total estimated facilities cost set forth herein, unless this contract is amended to increase such amount. No fee will be payable based on the cost of facilities acquired or fabricated hereunder. The facilities so acquired or fabricated shall be

considered Government property and subject to the provisions of the Government Property clause of this contract.

(b) *Facilities provided under fixed-price procurement contracts.* (1) Where existing facilities are to be furnished under the terms of a fixed-price contract, no separate clauses covering such facilities are required other than the Government-furnished property clause as set forth in § 13.502 or § 13.505 of this title, whichever is applicable. The items of facilities will be listed or specified in the Schedule as Government-furnished property.

(2) Where the acquisition or fabrication of facilities is authorized in a fixed-price contract:

(1) The General Provisions of the contract will be designated "Section I", and in addition to inserting the Government-furnished property clause of § 13.502 or § 13.505 of this title, the following clause will be set forth in the Schedule. The facilities authorized will be listed following the clause together with the estimated cost of each set forth and the maximum (total) cost of all such facilities:

FACILITIES ACQUIRED OR FABRICATED

Subject to the approval of the Contracting Officer, the Contractor may acquire or fabricate the facilities hereafter listed. The contractor shall be reimbursed therefor, if not in excess of the maximum cost specified in the following list, in accordance with the General Provision hereof entitled "Reimbursement." Such facilities and the acquisition or fabrication thereof shall be subject to the provisions of both Section I and Section II of General Provisions of this contract. In the event of any inconsistency between Section I and Section II, the provision of Section II will be controlling with respect to facilities. Upon acquisition or fabrication the facilities shall be considered Government-furnished property and subject to the Government-Furnished Property clause of this contract.

(ii) In addition to the clause set forth in subdivision (i) of this subparagraph, the following will be included in the contract as General Provisions, Section II:

GENERAL PROVISIONS, SECTION II, APPLICABLE ONLY TO FACILITIES ACQUIRED OR FABRICATED

II-1 Reimbursement.

a. Upon inspection and acceptance by the Contracting Officer of the facilities specified in the Schedule, the Government will pay to the contractor the costs thereof as determined in accordance with Parts 2 and 6, Section XV, of the Armed Services Procurement Regulation for items other than construction and in accordance with Parts 4 and 6 of said Section XV for items of construction, if any.

b. Once each month, or at more frequent intervals if approved by the Contracting Officer, the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute Allowable Cost. As promptly as may be practical after receipt of each invoice or voucher and statement of cost, the Government shall, except as hereinafter provided, make payment thereon as approved by the Contracting Officer. Such payment may include progress payments made to subcontractors or suppliers for machine tools and construction projects ordered hereunder

in those cases where the subcontractor or supplier requires progress payments therefor and the subcontract or purchase agreement therefor contains a progress payments clause approved in writing by the Contracting Officer. At any time or times prior to final payment under this contract, the Contracting Officer may cause to be made such audit of the invoices or vouchers and statements of cost as shall be deemed necessary. Each payment theretofore made shall be subject to reduction to the extent of amounts included in the related invoice or voucher and statement of cost which are found by the Contracting Office on the basis of such audit not to constitute Allowable Cost, and shall also be subject to reduction for overpayments or to increase for underpayments on preceding invoices or vouchers.

c. In securing all facilities, parts, materials, and services required from sources other than the Contractor, the Contractor shall obtain competition to the maximum practical extent and shall take advantage of the most advantageous prices with due regard to securing adequately prompt delivery of satisfactory facilities, parts, materials, and services.

d. The Contractor represents that the cost to be incurred and for which it will be reimbursed under this clause are not and will not be included as an element of cost under any provision of this contract or any other contract with the Government or suppliers of the Government, and do not include any allowance for profit or fee.

II-2 Overtime and Wage Compensation: Insert the clause set forth in § 1012.102-3(c) of this chapter.

II-3 Subcontracts: Insert the clause set forth in § 1007.2703-3 of this chapter.

II-4 Records: Insert the clause set forth in § 7.203-7 of this title.

II-5 Title:

Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever first occurs.

(c) *Patent Indemnity Clause.* If acquisition or fabrication of facilities is authorized, the clause set forth in § 1007.2703-30 of this chapter will be inserted as follows: (1) If under the circumstances set forth in paragraph (a) (2) of this section, the clause will be set forth in the Schedule and made applicable only to the facilities; (2) if under the circumstances set forth in paragraph (b) (2) of this section, the clause will be added to the General Provisions, Section II.

(d) *Patent rights clause.* If the contract does not contain the Patent Rights clause, § 9.107-1 of this title, and the facilities authorized involve research or development in design, manufacture, or modification, (1) if under the circumstances set forth in paragraph (a) (2) of this section the clause will be added and made applicable only to the facilities, or (2) if under the circumstances set forth in paragraph (b) (2) of this section, the clause will be added to General Provisions, Section II.

(e) *Facilities involving construction.* If the facilities being authorized involve construction, as defined in § 12.402 of

this title, and the labor clauses required for construction contracts are not otherwise included in the contract, the clause set forth in § 1007.2704-1 of this chapter will be added: (1) if under the circumstances set forth in paragraph (a) (2) of this section, and made applicable only to the facilities being constructed, or (2) if under the circumstances set forth in paragraph (b) (2) of this section, to General Provisions, Section II. Any providing of non-severable facilities not located on Government controlled land will require compliance with § 13.406 of this title and § 1013.406 of this chapter.

(f) *Facilities both furnished and authorized for acquisition in procurement contracts.* When industrial facilities are to be both furnished and authorized for acquisition or fabrication in: (1) the same cost-type contract, the provisions of paragraphs (a) (1), (2), (c), (d), and (e) of this section will be followed, or (2) in the same fixed-price contract, the provisions of paragraphs (b) (1), (2), (c), (d), and (e) will be followed.

3. Section 1013.406 is deleted and the following substituted therefor:

§ 1013.406 Nonseverable industrial facilities.

(a) Since the locating of Government-owned nonseverable industrial facilities on land not owned or controlled by the Government may result in unjust enrichment of the land owner or an unnecessary loss to the Government, every effort must be made to have such nonseverable facilities provided by the contractor. If the contractor refuses to provide such nonseverable facilities, it is necessary to evaluate all other alternatives before locating Government-owned nonseverable industrial facilities on land not owned or controlled by the Government. Such alternatives include the possibility of the Government's acquiring land for the purpose, or accomplishing the work by subcontracting.

(b) For the purposes of this Instruction, a facility will be considered "non-severable" when loss of value to it plus damage to the premises where installed, may, upon removal, reasonably be anticipated to exceed 50 percent of the installed cost of the facility item. However, facilities items where potential loss of value and damage is estimated to exceed 25 percent will not be authorized without approval from MCPBI. In determining what the loss of value to a facility item would be upon removal, the cost of all severable parts or components will be excluded from the computation and the cost of installation, including foundation, will be included as part of the cost of the facilities item. Items of machinery and equipment are normally considered as severable items. In determining whether particular costs are for nonseverable facilities, it should be recognized that many costs which, when considered alone, appear to be for nonseverables may properly be considered to be installation costs of larger items.

(c) For the purposes of this Instruction, land is considered "controlled" by the Government when: (1) The Govern-

ment has the right at nominal or no cost to the exclusive use of the land during the reasonably anticipated useful life of the facility involved, or (2) when the land owner has signed a firm contract to convey the land upon terms acceptable to the Government at a cost not exceeding \$25,000 and such owner is sufficiently sound financially to guarantee such conveyance as determined from information provided by the Financial Branch (MCPZF), Hq AMC. However, the locating of facilities on land not actually owned by the Government is undesirable in the normal case and will not be permitted except when absolutely necessary.

(d) The estimated useful life of general purpose nonseverables will be interpreted as the useful physical life of the item involved, regardless of whether the contractor knows of any further requirements for such item. For special purpose nonseverables, i.e., the use of which without substantial modification or alteration is limited to the production for the Government of particular supplies or the performance of particular services for which provided, the estimated useful life will be interpreted as the estimated duration of the supply or service program involved.

4. Section 1013.412 is added as follows:

§ 1013.412 Unusable or unneeded facilities.

(a) Upon completion of the purpose for which a complete facility or individual facility item (as used hereafter, facilities will include a complete facility or individual facility item) was provided under a facilities contract, such facilities will be declared as idle unless a new purpose is established as a basis for authorizing the continued use of the facilities.

(1) Administrative contracting officers of facilities contracts will notify contractors of this policy at the earliest practicable date in advance of the commencement of a phase out of the purpose for which the facilities were initially provided and will request the contractors to advise the Commander, AMC, attn: MCPBI through channels without delay as to any new justification for the retention of such facilities. Reasons for the retention of facilities may include a requirement on other military production contracts, necessity for production readiness, or such other specific purposes approved by Hq AMC. The justification should provide utilization data in sufficient detail to demonstrate the extent of use to be made of each facility item. The administrative contracting officer should determine the necessity for each individual item requested for the new purpose and should declare idle those facilities no longer required.

(2) If a new purpose is established, the facilities contract will be amended to authorize retention of the facilities for the new purpose.

(3) Three months in advance of the phase out of the required use of the facilities, if continued retention of the facilities has not been justified, action will be initiated by MCPBI, to accomplish the advance screening of the facilities for transfer, storage, or other disposition.

(b) Contractors are to be encouraged to retain at no direct cost to the Government, idle facilities in on-site storage if they are not required elsewhere by the Government and if it is expected that they will be needed at that location by the contractor for future AF work. Such items will be declared idle in Category VI status. In advance of, or concurrently with such Category VI declarations, contractor proposals for retention at no direct cost to the Government will be submitted through AF channels to the Commander, AMC, attn: MCPBI. In properly justified cases MCPBI will negotiate agreements for the on-site storage of such facilities. Such agreements will conform to the following guidelines:

(1) Retention will be at no direct cost to the Government.

(2) Such property will be maintained according to prescribed industrial practices in a manner to insure against deterioration during period of nonuse.

(3) Normally machinery and equipment will be retained in an idle status only in anticipation of other Government work and will not be used unless such Government work materializes. If the contractor desires to make commercial use of the property, such use will be provided for under a facilities lease agreement according to § 1013.600 (and executed pursuant to Title 10, U.S.C. 2667).

(4) Should Government work materialize, rentals may or may not be charged according to the provisions of § 1013.407. If the contractor desires to make commercial use of this property, rentals will be charged according to § 13.601 of this title and § 1013.601 of this chapter.

(5) All property retained on site must be available at any time for use by the contractor to meet Government requirements or for transfer to other contractors.

5. Sections 1013.413-1, 1013.413-2, and 1013.415 are added as follows:

§ 1013.413-1 Termination by the Government.

(a) Termination of facility contracts will be accomplished according to the provisions of Part 1008 of this chapter.

(b) The Chief, Industrial Facilities Branch (MCPBI), Hq AMC, will determine when it is in the best interests of the Air Force to terminate a facilities contract.

NOTE: This provision in no way reduces the responsibilities of the contractor or the Air Force from complying with established requirements for: (i) current reporting of idle and/or excess property, and/or (ii) continuing plant clearance procedures where applicable.

§ 1013.413-2 Termination by the contractor.

The provisions of Part 1008 of this chapter will govern the termination of facilities contracts when requested by the contractor.

§ 1013.415 Disposition.

Industrial facilities will be reviewed by Industrial Resources Division (MCPB), Hq AMC, prior to disposition as termination inventory.

Subpart E—Contract Clauses

1. Sections 1013.502 and 1013.503 are added as follows:

§ 1013.502 Government-furnished property clause for fixed-price contracts.

Whenever contracts fall within the purview of § 1030.2(B-102.50(c)) of this chapter, and Government owned parts and materials are furnished, the following will be added to the end of the third sentence of paragraph (c) of the clause set forth in § 13.502 of this title:

except that with respect to Government property shipped the Contractor will not be required to maintain the property records prescribed by the Manual.

§ 1013.503 Government-property clause for cost-reimbursement type contracts.

Whenever contracts fall within the purview of § 30.2(B-102.50(c)) of this chapter, and Government owned parts and materials are furnished, the following will be added to the end of the second sentence of paragraph (c) of the clause set forth in § 13.503 of this title:

except that with respect to Government property shipped the Contractor will not be required to maintain the property records prescribed by the Manual.

2. In § 1013.504, paragraph (a) is revised and a new paragraph (d) is added as follows:

§ 1013.504 Special tooling clause for fixed-price contracts.

(a) The provisions of the Special Tooling clause set forth in § 13.504 of this title are that special tooling acquired or manufactured by the contractor for use in the performance of the contract, and replacements thereof, will be contractor-owned until such time as the contracting officer exercises the Government's option and directs transfer of title. Prior to this, and as a minimum, the contractor is obligated to appropriately identify the special tooling and to follow its normal industrial practice in maintaining property control records, making such records available to Government representatives for inspection at all reasonable times.

(1) The provisions of § 30.2 of this title do not apply during the period that the special tooling is contractor-owned and a property administrator will not be assigned to contracts solely on the basis of the Special Tooling clause. However, upon transfer of title to the Government the tooling does become subject to the provisions of § 30.2 of this title; a property administrator will be assigned, and retention or shipment by the contractor will be according to appropriate procedures. Provision that the contractor follow its normal industrial practice in maintaining property control records is not considered license for the maintenance of incomplete, inaccurate, or inadequate records under the guise of normality. Industrial practice is considered to require record of the quantity, description, location, and condition of special tooling acquired or manufactured for use under the contract. If the contracting officer deems it necessary to ascertain the adequacy of the contrac-

tor's records, the technical advice of the property administrator assigned to contracts with the same or nearby contractors may be requested.

(2) It is anticipated that the contractor will advise the administrative contracting officer when: (i) Any substantial portion of usable tooling is no longer required for the performance of the contract, (ii) changes in design or specifications take place which affect the interchangeability of parts, and (iii) the contract is terminated or completed, furnishing a listing of the parts, products, or services for which the tooling was designed to manufacture or perform. Upon receipt of the listing, the administrative contracting officer will obtain information through the buying organization, if not already known, whether anticipated requirements exist to warrant exercise of the Government option to take title to the tooling. If it is determined that title to the special tooling should pass to the Government, the administrative contracting officer will notify the contractor and include the following: (i) Specify the particular products, parts, or services for which title to tooling should transfer, (ii) action required regarding storage, use, or shipment of the tooling involved, and (iii) disposition instructions for the remainder.

(3) A listing of the products, parts, or services to be manufactured or performed will be sufficient to permit the determination for disposition of such special tooling. Accordingly, the contract clause establishes this as a minimum requirement. However, to properly record a transfer of title for specific items of value to the protection of the interests of both parties, a list of tooling must be obtained in such detail as would serve as a basis for the establishment of records of Government property.

(d) The use of special tooling for the performance of other follow-on Government contracts or subcontracts under Government contracts will be subject to the following procedures:

(1) When the administrative contracting officer approves the use of the special tooling in connection with other Government contracts or related subcontracts (§ 13.504 of this title and § 1013.504(b) of this chapter), a reference to such approval will be incorporated in each other contract or subcontract involved. No further action will be necessary so long as the contract under which the special tooling was originally acquired or fabricated remains active.

(2) When it becomes evident that the contract under which the special tooling was originally acquired or fabricated is to be completed or terminated, and the special tooling is needed for the performance of follow-on contracts, at least one of which contains the clause in § 13.504 of this title, that contract, or if there are more than one follow-on contracts with the clause in § 13.504 of this title, the one with the longest life expectancy, will be amended by the incorporation of the

following clause, and a reference thereto will be made in the original authorizing contract:

The special tooling acquired or fabricated pursuant to the terms of contract No. (original contract) is hereby and hereafter to be considered as acquired pursuant to the clause of this contract entitled "Special Tooling" and henceforth subject to the terms and conditions thereof.

If such follow-on contract contains the clause in paragraph (b) of this section, the above provisions will be included in such contract. However, the above provision will not be inserted in a follow-on contract containing the clause in § 13.504 of this title where the tooling was acquired or fabricated (or considered to be acquired) under a contract containing the clause in paragraph (b) of this section.

(3) In long term programs, it may be necessary to repeat the procedure in subparagraphs (1) and (2) of this paragraph, in order to pass the Government's rights to the special tooling down through the succeeding contracts as each preceding authorizing contract expires. By such procedure, and so long as at least one fixed-price contract (with the clause in § 13.504 of this title or § 1013.504(b) of this chapter, as appropriate), is in active status, the Government's rights to the special tooling are considered to remain unprejudiced and without necessity of exercising the right of option in each transaction. Therefore, each preceding "authorizing" contract may be retired as it expires. However, if a point is reached where the special tooling continues to be needed by the contractor, but the remaining contracts are not fixed-price with the clause in § 13.504 of this title or § 1013.504(b) of this chapter (for example, CFFF, etc.), the administrative contracting officer will exercise the Government's right of option and take title (if the clause in § 13.504 of this title was the last in effect with respect to the tooling). Thereafter, the special tooling will be retained as Government furnished property for use in connection with the remaining requiring contracts.

3. In § 1013.550, paragraphs (d) and (e) are redesignated (e) and (f), respectively, and a new paragraph (d) is added as follows:

§ 1013.550 Bailment clauses.

(d) Bailment clauses other than set forth in this section may not be used in prime contracts or any deviations authorized from prescribed clauses without prior approval of the Office of the Procurement Committee (MCPC), Hq AMC.

4. Section 1013.551 is added as follows:

§ 1013.551 Emergency bailment to civil aircraft or military contract carrier.

The bailment agreements set forth in §§ 1013.2005-1 and 1013.2005-2 will be used in the emergency bailment of aircraft engine(s) and/or major components as applicable to civil aircraft or military contract carriers by AF bases.

Subpart F—Use of Government-Owned Industrial Facilities on Work Other Than for a Military Department

1. Sections 1013.600, 1013.601 and 1013.601-1 are added as follows:

§ 1013.600 Scope of subpart.

This subpart sets forth the conditions and procedures under which industrial production equipment controlled by the Air Force may be leased to private parties for use solely or principally on work other than for the military departments. Facilities leases involving the incidental use of production equipment for work on other than military procurements are not subject to the provisions of this subpart if such incidental use does not exceed 25 percent of the total anticipated capacity of the facilities utilized. (See § 1013.407 and subpart DD, of this part). Since the amount of incidental work may be subject to change, determination as to the applicability of this subpart will be based upon the best estimates available at the time the lease becomes effective.

(a) Air Force facilities lease agreements accomplished hereunder must meet the criteria set forth in § 1013.3001(a) and, to the extent facilities to be leased are included in the classes of production equipment listed in the attachment to AFR 78-23 and have a unit acquisition cost of \$500 or more, must be approved by the Office of Defense Mobilization.

(b) Selected items of production equipment may be leased under the provisions of this subpart where such items would be unduly costly or time consuming to move.

(c) This subpart does not apply to existing facilities lease agreements nor extensions of existing agreements whereby a lessee may be permitted to retain production equipment regardless of changes in the extent of the defense production during the period of the lease. Such situations are treated under Subpart DD of this part.

(d) This subpart does not apply to leases of equipment listed in the PERI (Production Equipment Redistribution Inventory) which are contemplated for defense supporting activities when such request is sponsored by the Assistant Secretary of Defense (Supply and Logistics).

(e) Nondefense leases of complete industrial facilities (including land, buildings, and equipment) which have been approved by the Congressional Committee on Armed Services according to 10 U.S.C. 2662, are exempted from the requirements of prior approval of the Office of Defense Mobilization, when the total acquisition cost of the production equipment included in such lease is less than 10 percent of the total acquisition cost of the entire facility. Approval has been granted in advance for these cases by ODM. In each such instance, however, a report will be submitted through normal channels to the Assistant Secretary of Defense (Supply and Logistics) within 30 days of the date of the lease giving pertinent details of the transaction. It

will include the names of the facility and the lessee, the number of items of production equipment, and their total acquisition cost.

§ 1013.601 Rental.

§ 1013.601-1 General.

Requests by a foreign government for rent-free use of AF facilities should be forwarded through the Director of Procurement and Production, Hq. AMC, to the Director of Procurement and Production, Hq USAF, attn: AFMPP-PD, for consideration and recommendation to the Assistant Secretary of the Air Force (Materiel) for approval or disapproval. The following information which will be relevant to the Assistant Secretary's decision should be included: (a) a copy of the request from the foreign government asking that the Air Force make the facilities available rent-free for specified purposes; (b) a statement whether rent-free use is authorized by the AF lease or facilities contract involved for work performed by the contractor for the Air Force; (c) a statement whether use of the facilities on the foreign government contract will interfere with foreseeable United States Government requirements for use of the facilities on its contracts; (d) a statement whether the AF contractor possessing the facilities will be placed in a position of unfair competitive advantage if rent-free use is authorized; (e) a statement whether the foreign government would be authorized to place the contract in question directly with the Air Force according to Mutual Security Act of 1954, as amended, or whether rent-free use by the foreign government is authorized by a Government to Government agreement; (f) a statement whether there are any reasons why it would be in the interest of the Air Force, for the contract to be placed directly with it and whether the Air Force will in any way be benefited by the placing of the contract in the manner intended.

2. In § 1013.601-50, subparagraphs (2), (5) and (8) of paragraph (a) are revised as follows:

§ 1013.601-50 Procedure.

(a) * * *

(2) If the contractor is currently engaged in production for the AF, a list of contract numbers and items. Also, a list of other military contract numbers and items produced within the preceding 3-year period.

(5) Financial or other consideration that will be given to the Government for use of the production equipment. If the contractor is to maintain Government-owned equipment in a nonuse status as all or part of the consideration, give the number of units, general description, including acquisition cost, and total weight (in tons). See § 13.601 of this title, Rental.

(8) Description (in inclosures) of the property being requested for nondefense use. Include with the commercial description, the classification (SCC) code, year manufactured, current condi-

tion, total weight in tons, acquisition cost, and transportation and installation costs if borne directly by the Government.

Subpart X—Facility Expansion Procedure

1. Section 1013.2401-1 is added as follows:

§ 1013.2401-1 Delegation of authority.

(a) The Commander, AMC, has been authorized to exercise those approvals of projects for expansion (acquisition, construction, rehabilitation, major repairs) of industrial production facilities, the cost of which will not exceed \$500,000. The Commander, AMC, has redelegated this authority to the Director of Procurement and Production, Hq AMC, without power of further redelegation. The exercise of this authority as well as any other action with regard to the expansion of industrial facilities will be subject to the following conditions and limitations:

(1) Projects for the expansion of industrial facilities will not be undertaken prior to obtaining approval of any real estate actions by the Committees on Armed Services of the House of Representatives and of the Senate, if required according to 10 U.S.C. 2662, or such other approvals required according to existing Secretary of the Air Force Orders.

(2) Projects involving the location of nonseverable industrial facilities on land not owned or controlled by the Government will not be undertaken without the approval of the Secretary of the Air Force when required pursuant to § 13.406-1(c) of this title, unless specifically exempted from that requirement according to that regulation.

(3) Any facility expansion, regardless of cost or fiscal year, which is initiated for a purpose which will eventually require, or which has the effect of committing the Air Force to a total expansion estimated to exceed \$500,000 will not be undertaken without the prior approval of the Deputy Chief of Staff, Materiel, Hq USAF. See § 1013.2402(d).

(4) Projects which are not in conformance with the criteria for industrial expansions contained in directives cited in paragraph (b) of this section, will not be undertaken without the prior approval of the Assistant Secretary of the Air Force (Materiel).

(b) In determining action or recommendations in regard to the expansion of industrial facilities, the Air Force will be guided by applicable instructions, regulations, or directives promulgated by the Department of the Air Force, the Office of the Secretary of Defense, and other Federal agencies, including, but not limited to:

(1) Policy and procedure set forth in this part.

(2) Part 13 of this title.

(3) Air Force Manual of Budget Administration.

(c) Previous delegations pertaining to the ICBM and IRBM No. 1 Programs will not be affected by the provisions contained herein; nor will any subsequent delegation specifically pertaining to those programs, or such other priority programs as the Secretary may later

specify, be governed by the provisions contained herein, unless they will in their own terms be made subject thereto.

2. In § 1013.2402, a new sentence is added at the end of the introductory paragraph, and paragraphs (a) through (g) are deleted and the following substituted therefor:

§ 1013.2402 Procedure.

* * *. The following procedures will be applied in determining the need for expansion projects, to the extent applicable:

(a) *Selection of prime contractor.* When prime contractors are being selected or invited to bid for the placement of procurement, the buyer will coordinate with and obtain approval of Preparedness Branch (MCPBI), Hq AMC, to insure that all potential sources are given consideration, that the selection is according to the production allocation program, and that no other suitable source is available requiring fewer Government-furnished facilities. The buyer will require all potential contractors to state in writing whether additional manufacturing facilities will be required for each procurement, the estimated cost and nature of such facilities, and whether the contractor will furnish the facilities with contractor funds or will require the Government to furnish the facilities. When the procurement contract is awarded, the buyer will insure that an appropriate facilities clause is included according to § 1013.401. When the buyer proposes to provide facilities (not in excess of \$50,000) under a procurement contract, approval of MCPBI will be obtained before providing for facilities in the contract. When the buyer is situated at an AMC field procurement activity, approval of MCPBI will be obtained by electrically transmitted message or letter as the urgency of each case demands.

(b) *Submission by contractor of application for facilities.* When the prospective contractor has stated that additional Government industrial facilities will be required, the buyer will instruct this contractor to prepare and submit a formal application for facilities, containing justification of requirements and explanation as to why the expansion cannot be accomplished through private financing or use of subcontracting. (See § 1013.2403 for facilities application and § 1013.2404 for Appendix A schedule of facility listing.) Assistance of the AF plant representative or air procurement district may be requested by the contractor in preparing his application for facilities. It is important that the prospective contractor give full and complete justification for facilities required, to expedite processing of the application. When application for facilities is prepared by the contractor in conjunction with an end-item contract proposal, five copies of the facility application and appendix listing will be sent to the buyer. Any facility requirements by subcontractors will be included under separate facilities applications and Appendices A. In other cases, five copies of the facilities proposal will be sent through the contractor's local AF plant representative, if

any, to Commander, AMC, attn: MCPBI. Six additional copies will be sent concurrently to the local AF plant representative, if any, and if none, to the air procurement district in whose geographical area the contractor is situated.

(c) *Processing by the AMA.* As local AF representative, the AFPR/APD is in a position to initially appraise and obtain correction for any proposal deficiencies, e.g., proper preparation of facilities application and Appendix A; delete items which duplicate contractor facilities for which open time will be available; increase local subcontracting to eliminate the need for Government facilities; examine loading methods used by contractor in developing facilities requirements (individual justification of Appendix items will be made at the time the administrative contracting officer authorizes acquisitions—see paragraph (e) of this section); eliminate nonseverables or private property where not justified; make proper appraisal of the ability of local conditions (utilities, labor, housing, transportation, etc.) which may be necessary to support a proposed expansion. After thorough investigation of the facilities expansion proposal, the findings and recommendations thereon will be sent together with four copies of the proposal to Hq AMC, attn: MCPBI (ICBM-IRBM proposals will be forwarded to MCPTI). Such recommendations may be forwarded directly to MCPBI or MCPTI by the AFPRO or APD when such routing is authorized by the AMA headquarters. When received, MCPBI or MCPTI will consider the recommendations as having AMA headquarters support regardless of the processing route.

(d) *Processing by Hq AMC.* Upon receipt of the facilities project by MCPB, the scope and necessity will be reviewed and coordinated with the buyer and other appropriate offices at Hq AMC to obtain written concurrence of all offices concerned with the production program involved. Written concurrence also will be secured from buyers at AMC field procurement activities. The facilities project officer, MCPB, will determine the justification, including alternate sources considered, reasons for selection of this contractor, and will make a preliminary determination of necessity for individual listed items. After completion of coordination with operating divisions and offices, MCPB will embody the resulting data in the Industrial Facilities Program.

(1) *Projects not exceeding \$500,000 in cost of additional facilities.* Facility expansion projects whose cost will not exceed nor commit the Air Force to more than \$500,000 (excluding the value of facilities to be provided from Government reserve inventories and/or facilities already in possession of the contractor) will be included in the quarterly request for bulk funds. Upon receipt of the quarterly fund allotment, the MCPB project officer will prepare a request for Director, MCP approval of each project. The request (Disposition Form) will include in the subject: the project identification, contractor name, location, and AF facilities contract number if available. The Disposition Form will be ad-

ressed to MCP and will contain as much of the following information, in the order given, as is applicable to the project request:

(i) Total dollar amount requested. Also give the dollar estimate in the AMC Program Statements which were previously furnished to Hq USAF.

(ii) End items product or service involved. Where applicable give the end item contract number and dollar estimate of facilities to be provided, as indicated in the procurement contract facilities clause.

(iii) Purpose of expansion or funding action. If applicable, reference end item program and schedule rates.

(iv) Give dollar comparisons by schedules I, II, III, etc., of facilities previously provided at proposed location (Contractor-Government) and facilities to be provided (Contractor-Government) by this proposal. Also give summary of contractor's statement in regard to company provisioning of the required facilities.

(v) Reduction in funds required for this project through screening actions.

(vi) Brief description of facilities or services to be provided by the Government and method of computation of requirements. If the project includes acquisition of any: real property, nonseverables on private property, or facilities items under \$500, give a summary of MCPB recommendations regarding the necessity for Government provisioning.

(vii) Amount of subcontracting by percent of contract dollar value and/or effort. MCPB project officer's appraisal of contractor's efforts to obtain subcontract support to eliminate requirements for additional facilities. Identify the requirements for any facilities to be provided to subcontractors.

(viii) Describe briefly the availability of labor, power, fuel, water, sewage, housing, transportation, etc., considering the planned peak rates to be attained. State the advantages of the proposed geographic location.

(ix) Project justification. Brief statements indicating concurrences received from the AMC field organizations, buying or sponsoring activities, and MCPB recommendations in approval of the facilities expansion project.

(x) Will facilities be provided on a charge (rental) or no charge basis?

(xi) MCPB statement to the effect that: as the purpose of the project is presently known and defined, the project cost excluding the value of facilities from reserve inventories and facilities in possession of the contractor, is estimated not to exceed \$500,000.

(xii) Signature. Manual signature of the Chief or Deputy Chief, MCPB.

(2) Upon approval of the Director, MCP, the executed copies of the request will be returned to MCPB.

(3) *Notification to Hq USAF.* Within 10 days after approval has been exercised for each facilities project, MCPB will furnish the following information by letter to Hq USAF, attn: AFMPP-IR:

(i) Date of letter.

(ii) Date of approval.

(iii) Date contract expected to be released.

(iv) Name of contractor.

(v) Location.

(vi) Dollar amount.

(vii) Product which facilities will support.

(viii) Description of facilities to be provided.

(ix) Statement of justification.

(x) Total dollar amount of facilities provided to this contractor at this location and the purpose for which provided.

(xi) Anticipated follow-on facilities above the amount approved that will be required by this contractor at this location for this purpose.

(4) *Projects exceeding \$500,000.* Facilities expansions which exceed \$500,000 in cost of additional facilities (excluding the value of facilities to be obtained from Government reserve inventories and/or facilities already in possession of the contractor) will be processed for inclusion in the annual program, quarterly revision or as an emergency request for funds. The projects will be submitted for review and approval to the Director, MCP. The approved projects will be forwarded (20 copies) to Hq USAF.

(5) *Notifications to contractors and administrative echelons.* After submission of projects exceeding \$500,000 to Hq USAF and approval thereof, or upon receipt of Director of Procurement and Production (MCP) approval of projects not exceeding \$500,000, MCPB will alert the contractor and the cognizant APD or AFPRO and AMA. This will be accomplished by letter to the contractor routed through the APD or AFPRO with copy to the AMA, stating the scope of each project as established by the preliminary approval and including a marked copy of the Appendix "A," "Industrial Facilities," indicating the items or types of items which will not be included in the expansion to be authorized by the proposed contractual instrument. An identical marked copy of the Appendix A will be included for the use of the APD or AFPRO.

(6) *Procurement authorizations.* Upon receipt of the procurement directive from Hq USAF or upon receipt of Director, MCP, approval of a project not exceeding \$500,000, MCPB will negotiate and write a facilities contract. All facilities contracts and amendments will be signed by the contracting officer, MCPB. The facilities contract will then be released to the appropriate AMA for administration.

(e) *Administration of approved Appendix A—(1) Determinations of necessity.* Upon notification that the facilities contract is in effect or receipt of contractor's signature of a letter of agreement from MCPBI, Hq AMC, stating the terms under which facilities will be provided in anticipation of a supplemental agreement to an existing facilities contract, the administrative contracting officer assigned the facilities contract will determine necessity for the individual items listed on the approved Appendix A (see paragraph (d) of this section). The determination of necessity normally will be made on the basis of work-load hours indicated on machine tool loading charts, process sheets, etc., according to recognized industrial practice. Determina-

tions of necessity will be made as expeditiously as possible, and must if possible be made before the notice required by the facilities contract subclause entitled "Facilities to be Provided" (§ 1007.2703-2(a)(1) of this chapter) is received. The notice required by such clause may be changed by agreement between the administrative contracting officer and the contractor, and may be waived by the administrative contracting officer at the request of the contractor as to items for which the determination of necessity has been made and screening of the industrial reserve under paragraph (f) of this section has been completed. If the screening of any item on an approved Appendix cannot be completed prior to the expiration of the period of notice required by such clause, the justification of such item will be deemed to be incomplete, and the administrative contracting officer will issue a CCN suspending the item from the approved Appendix until such screening is accomplished.

(2) *Revision of Appendix A.* The approved Appendix A will be revised by the administrative contracting officer to conform with the determinations of necessity as such determinations are accomplished. If the language in the facilities contract schedule referencing the appendix expressly states that the facilities are to be provided as approved by the contracting officer, this revision will be accomplished informally. If the referencing language in the facilities contract schedule does not require contracting officer approval, the revision will be accomplished under the contract terms as follows:

(i) If the purchase order has not been placed, and the scope of the approved expansion is not substantially changed, the administrative contracting officer will issue a CCN pursuant to the "Changes" clause of such contract (§ 1007.2703-31 of this chapter).

(ii) If the purchase order has been placed and a substantial change in the scope of the approved expansion will not result, the administrative contracting officer may take action under the contract clause entitled "Cancellation" (§ 1007.2703-6 of this chapter).

(iii) If a substantial change in the scope of the expansion will result, the administrative contracting officer will submit recommendations for action through the AMA to MCPBI, Hq AMC, together with supporting data including copies of a revised appendix if applicable. MCPBI will process an amendment of the facilities contract or request MCPBJT to initiate a partial termination as appropriate.

(iv) Purchase orders will not be cancelled under the procedures prescribed in subdivisions (i) and (ii) of this subparagraph until the approval of MCPBI, Hq AMC, has been obtained.

(3) Substitution of items for similar items listed on the approved Appendix A may be considered when necessitated by engineering changes, processing changes, technological changes, or nonavailability in reserve inventory, and may be approved by the administrative contracting officer when the substituted item:

(i) Falls within the same schedule subcategory (see § 1013.2404) as the previously approved item.

(ii) Is justified for the same intended function as the previously approved item though a different processing method is used.

(iii) Remains within the estimated cost of the previously approved item or in cases of justified necessity exceeds such amount provided that the approved dollar amount of the applicable schedule category (see § 1013.2404) is not exceeded.

Substitutions not meeting the foregoing criteria will be referred to MCPBI, Hq AMC, for approval or disapproval. Approved substitutions will be reflected in revisions of the Appendix A pursuant to paragraph (e) (2) of this section.

(4) *Value increases.* When determinations of necessity indicate a need for increasing the aggregate dollar value of the facilities to be provided under an approved Appendix A, a supplementary Appendix A will normally be submitted to Hq AMC and processed as a new expansion unless such increase is solely the result of a cost overrun. If a revision of an approved Appendix A will result in an increase in the dollar expenditure to be authorized by reason of a cost overrun, the proposed revision must be submitted for the prior approval of MCPBI, Hq AMC, and will not be accomplished until the necessary additional funds have been made available pursuant to normal funding procedures. Additional funds required by cost overruns will normally be made available by a contract change order issued by MCPBI.

(5) *Authorization of shipment or acquisition.* After items listed in approved Appendix A have been determined to be necessary according to the foregoing, the administrative contracting officer will authorize shipment from industrial reserve or approved acquisition by the contractor according to the terms of the letter agreement or facilities contract and paragraph (f), of this section, except that the expenditure of funds will not be permitted until the necessary funds have been made available under a facilities contractual instrument.

(6) *Initial repair and installation of facilities.* The administrative contracting officer will not normally, under subparagraph (2) of this paragraph, review the necessity for the initial repair or rehabilitation of facilities items which will aggregate less than \$50 in cost per facilities item. The review under subparagraph (2) of this paragraph, of the proposed work for the installation of facilities items will be accomplished only to the extent that the administrative contracting officer is given authority by contract terms to approve or direct changes in such work.

(f) *Screening idle and industrial reserve equipment.* The contractor will screen idle equipment lists according to AMCM 69-1 at the appropriate AMA headquarters and at Production Equipment Redistribution Group (PERG), Department of Defense (DOD), Washington, D.C., upon the authorization of the air procurement district or AF plant

representative as such authority may be delegated. Allocation of equipment selected will be requested by the contractor through and with the concurrence of the air procurement district according to AMCM 69-1. The contractor will verify the characteristics of the selected equipment and certify that it will satisfactorily meet his requirements, and that the equipment will be accepted according to the terms of his facilities contract or lease.

(g) *Construction, rehabilitation, modification, or alteration projects.* Construction, rehabilitation, modification, or alteration projects will be accomplished only as provided according to Subpart Y of this part.

(h) *Nonseverable facilities.* Facility expansion proposals containing requests for nonseverable facilities will be processed according to § 1013.406.

(i) *Subcontract structure.* Prime contractors will be required to submit their contract structure showing all major subcontractors, production items, and production rates to MCPBI for approval of sources and capabilities. Such subcontract structure will be checked against the production allocation program by MCPBI. The facilities expansion projects of those major subcontractors requiring facilities will be processed similar to prime contractors' expansions.

(j) *Approval by administrative contracting officer of procurement subcontracts which require additional facilities.* Before approving a procurement subcontract, the administrative contracting officer will require the prime contractor to submit to the administrative contracting officer a signed subcontractor Facility Expansion Capability Report indicating the following: Whether the selected subcontractor will require additional facilities and if so the estimated cost by Appendix A, Industrial Facilities; any financial assistance which will be required by the subcontractors; evidence showing the extent of the investigation of other potential sources made by the prime contractor including name of each source investigated, amount of Government-furnished facilities required by each, unit price of product, peak capacity, etc.; a description of the product including tolerances and material specifications detailed enough so that other potential subcontractors will be able to determine their capacity to produce it; and delivery schedules. The administrative contracting officer will furnish copies of the above report to the appropriate office of the AF plant representative or air procurement district and AMA (production branch or industrial planning branch, as appropriate). The AF plant representative and air procurement district will screen the region for the purpose of locating additional sources that would require less facilities and send such information to the administrative contracting officer. AMA headquarters will screen the other air procurement districts for potential sources and will request lists of other potential sources located outside its own area from MCPBI. These sources will be furnished to the administrative contracting officer through the AMA. The administrative contracting officer will forward the in-

formation to the prime contractor and advise him to screen the additional sources and to indicate to the administrative contracting officer such sources as he considers suitable for the performance of the subcontract.

(k) *Minor subcontractors and suppliers.* Other subcontractors and suppliers not known at the time of negotiation of the prime procurement contract will submit applications (preliminary and formal) and Appendices A (11 copies) for Government-provided facilities required by them through the prime contractor or air procurement district in whose area they are located, as applicable. Five copies of the contractor's application will be forwarded immediately to MCPBI. While under review, if the procedure in paragraph (j) of this section has not been complied with, the air procurement district will request from the air materiel area a list of available sources who have capacity for the proposed production. The air materiel area will in turn request a similar list as to sources outside the area from MCPBI. These additional sources will be screened to determine if any can perform the proposed production with less Government-furnished facilities than the original applicant. After selection of the source and verification of the production items and dates, including the indorsement of the prime contractors as applicable, the facilities expansion project is forwarded through the air materiel area in which the subcontractor is located with comments and recommendations to MCPBI who meanwhile has been and thereafter will process the facilities expansion according to paragraph (d) of this section.

(l) *Facilities leases.* In facilities expansions where the Government is furnishing only existing Government-owned machinery and equipment to contractors and suppliers for the performance of Government contracts, the machinery and equipment may be covered by a standard short form facilities lease agreement which will be accomplished and processed by the air materiel area according to subpart DD of this part.

(m) *Exceptions to Buy American Act.* Exceptions to the Buy American Act for the purchase of foreign-made machinery and equipment will be processed according to part 1006 of this chapter.

(n) *Small business office.* All facilities expansion requests generated in the air materiel areas will be coordinated and cleared through the appropriate air materiel area or air procurement district small business office.

(o) *Inspection of machinery and equipment.* Inspection of machinery and equipment upon arrival at contractors' plants and any necessary inspection reports thereon required by the administrative contracting officer, will be made by quality control office, air materiel area.

(p) *Requisitioning equipment from depot supply stock.* Where equipment urgently required for AF industrial installations cannot be secured on the open market but is available in depot supply stock, the appropriate air materiel area will requisition such items from the prime

depot. Supply will be contingent upon availability of stock. Vehicles are excluded from the above procedure, and the control and allocation of vehicles to industrial installations will remain with MCPBI according to Subpart GG of this Part.

(q) *Compliance with Davis-Bacon Act.* Where applicable under construction projects, MCPBI will initiate request for predetermination of wage rates to the Secretary of Labor. The administrative contracting officer will take necessary action to obtain a predetermination if subsequent review indicates that such action has not been previously taken or when a change in the project requires such action. The administrative contracting officer is authorized to forward requests for predetermination under subject act directly to Hq USAF with a copy forwarded to the Commander, AMC, attn: MCPBI, and upon receipt of a reply to furnish a copy to MCPBI so that the facilities contract can be amended accordingly.

3. Section 1013.2403-1 is deleted and the following substituted therefor:

§ 1013.2403 Preliminary and formal applications for facilities.

§ 1013.2403-1 Preliminary facilities application.

The preliminary facilities application is used to establish the early identification of additional facilities requirements for planning and budgeting purposes and for initiating facility expansions in directed programs. The preliminary application is prepared by contractors or AF sponsoring activities for each project requiring additional facilities by individual location and by fiscal year requirements. It will enable contractors who are producing or plan to produce military items for the Air Force to furnish AMC with their projected facilities plans. Also, the preliminary application is a means whereby the AF sponsoring activities may submit future facilities requirements, covering end item programs which are directed to become production items or work, and as such may be supported by industrial facilities funds. The preliminary application may lack the complete descriptions of facilities, however, the over-all plans for accomplishing the end item of work should provide reasonable cost estimates. For end item projects which are sufficiently advanced to enable the contractors to furnish complete details and justifications, the formal application (§§ 1013.2403-2 and 1013.2404) and submission procedures (§ 1013.2402) should be followed. The preliminary facilities application consists of answers to paragraphs (a) through (j) (of § 1013.2403-2) as applicable to the proposed facilities expansion. This information should be prepared in letter format and submitted at the earliest practical date but no later than February 1 for consideration in the following Fiscal Year facilities expansion program. Formal application should follow as soon as practicable.

4. Section 1013.2404 is deleted and the following substituted therefor:

§ 1013.2404 Appendix A, industrial facilities.

This is a guide form which will be followed by contractors preparing Appendix A.

APPENDIX A
INDUSTRIAL FACILITIES

Date -----
Name and Address of Company
Nature of facilities: (Insert here the types of proposed facilities such as hangars, warehouse, machine tools, etc.)
Location: (Address where facilities are to be located.)
For the production of: (Give brief statement covering items to be produced and contemplated peak monthly rate of production on 2-shift, 5-day workweek.)

SUMMARY SHEET	Estimated cost
Schedule I—Land and land preparation:	
(a) Land-----	\$XXX,XXX
(b) Land preparation-----	XXX,XXX
Total-----	XXX,XXX
Schedule II—Buildings, etc.:	
(a-1) Buildings (new construction)-----	XXX,XXX
(a-2) Building rehabilitation only-----	XXX,XXX
(b) Building installations (not mechanical)-----	XXX,XXX
(c-1) Land installations (on site)-----	XXX,XXX
(c-2) Land installations (off site)-----	XXX,XXX
Total-----	XXX,XXX
Schedule III—machinery, equipment, etc.:	
(a-1) Machine tools-----	XXX,XXX
(a-2) Related production equipment-----	XXX,XXX
(a-3) Rehabilitation of machine tools only-----	XXX,XXX
(b) Building installations (mechanical)-----	XXX,XXX
(c) Laboratory and testing equipment-----	XXX,XXX
(d) Furniture and equipment-----	XXX,XXX
Total-----	XXX,XXX
Schedule IV—portable tools and materials handling and automotive equipment:	
(a) Portable tools-----	XXX,XXX
(b) Material handling and automotive equipment-----	XXX,XXX
Total-----	XXX,XXX
Schedule V—machinery and equipment installation costs--	XXX,XXX
Schedule VI—indirect costs----	XXX,XXX
Grand total-----	XXX,XXX
SCHEDULE I—LAND AND LAND PREPARATION (ESTIMATED COST)	
Item No.—(a) Land:	
Give legal description, acreage, location, and estimated cost. A map, print, or drawing must be furnished as Exhibit I showing location of plant in relation to adjacent terrain features such as: airports, highways, railroads, power lines, etc., with appropriate identifying designation of each. Another print or drawing must be furnished as Exhibit II showing plot plan in detail. Cost of land will include all estimated costs of sales which are payable by purchasers.	
Total Schedule I(a)-----	\$XXX,XXX

RULES AND REGULATIONS

Item No.—(b) Land preparation:
(Itemize and give individual cost of each item. Sufficient description must be furnished to justify cost as estimated.)

This will include improvements such as clearing, leveling, grading and drainage, and any other items not subject to depreciation. Full details of each item must be given and location of each shown on plot plan—Exhibit II.

Total Schedule I(b)----- \$xxx, xxx
Total Schedule I----- \$xxx, xxx

**SCHEDULE II—BUILDINGS, ETC.
(ESTIMATED COST)**

Item No.—(a-1) Buildings (new construction):

(Itemize and give individual cost of each item. Sufficient description must be furnished to justify cost as estimated.)

This will include a full list of structures, with complete description and estimated cost of each unit. One or more prints or sketches must be furnished as an exhibit showing, for each building, the proposed type of structure, floor plan and elevations, with brief memorandum specifications. One complete plot plan must be furnished as an exhibit showing proposed location of all buildings in relation to complete plant.

Cross references from descriptions to exhibits must be made where necessary to make details absolutely clear.

Total Schedule II(a-1)---- \$x, xxx, xxx

Item No.—(a-2) Building rehabilitation only:

(Itemize and give individual cost of each item. Sufficient description must be furnished to justify cost as estimated.)

This covers all rehabilitation of structure, electrical systems, plumbing, heating, water lines, etc., within structures.

Total Schedule II(a-2)----- \$xxx, xxx

Item No.—(b) Building installations (not mechanical):

(Itemize and give individual cost of each item, specifying amount of installation charge for each item. Sufficient description must be furnished to justify cost as estimated.)

This covers all items and materials used in connection with installations of electrical power and illumination, plumbing, heating, airconditioning, sprinkler systems, etc., usually included in building costs, with the exception of power lines, water lines, etc., outside of the building itself which are to be included in Schedule II (c-1) and (c-2). Items listed here should refer to the individual building as listed in Schedule II(a) above, and must be described in sufficient detail for cost evaluation. Installation charges are to be included in total cost.

Total Schedule II(b)----- \$xxx, xxx

Item No.—(c-1) Land installations on site:
(Itemize and give individual cost of each item, specifying amount of installation charge for each item. Sufficient description must be furnished to justify cost as noted.)

Included in this classification are paving of yards, runways, parking areas, etc., fencing of property, utilities improvements, and spur tracks on areas outside of buildings but on property owned or controlled by the Government and leased to the contractor. Give full details of each item and the location of each on a plot plan—Exhibit II. Installation charges are to be included in total cost.

Total Schedule II(c-1)----- \$xxx, xxx

Item No.—(c-2) Land installations off site:
(Itemize and give individual cost of each item, specifying amount of installation charge for each item. Sufficient description must be furnished to justify cost as noted.)

Include all costs on other Government owned property, including installation charges if same fall within description of

I-b, II-a-1, II-a-2, II-b, II-c-1. Exhibits, properly numbered, will be included as attachments.

If there are costs for utilities, railroad extensions, etc., necessary, but not on property owned or controlled by the Government and leased to the contractor, such costs must be included in this section.

Every effort should be made to get utility companies, railroad companies, or other owners of the realty, to absorb all or part of the costs of such items. If no portion of the cost of such items will be paid by the utility, railroad company, or land owner, statement justifying refusal to pay such cost, signed by an official of such company, must be included.

Where the Government is requested to pay for all or part of such off-site installation costs, a definite statement from the applicant justifying the necessity for such costs must be included (See § 1013.406). Cross reference from descriptions to Exhibits must be made in order that details may be made perfectly clear. In the event Government expenditure is authorized for any off-site land installation, an agreement protecting the interest of the Government must be negotiated and included in the facilities contract.

Total Schedule II (c-2) -- \$x, xxx, xxx

Total Schedule II----- xxx, xxx, xxx

Special Instructions Pertaining to Schedule III Items

1. These instructions are to establish a standard for listing all proposed items of machinery and equipment. In order to properly evaluate such a listing, it is absolutely necessary for items to be described so that they can be easily identified. Also, itemize and give sufficient description to justify cost. However, like items may be combined as a single line entry.

2. A satisfactory description should include the following data:

- a. Manufacturer's name.
- b. Manufacturer's model number.
- c. Complete nomenclature and description of size and capacity, type (plain universal, knee or bed, vertical, horizontal, etc.), number of spindles, working heads or units, etc. (where applicable), including any special features.
- d. Electrical characteristics (110 v, 220 v, 440 v, 3-phase, 60-cycle, AC or DC, etc.).
- e. Any other information necessary to completely identify items desired.
- f. Possible substitutions in order of desirability.
- g. Date of delivery for each item as required to meet delivery schedule of the contract in question.
- h. Estimated delivered cost of each item.
- i. Full 17-digit Standard Commodity Classification Code as listed in Directory of Metalworking Machinery published by the Office of the Assistant Secretary of Defense (Supply and Logistics). Related production equipment will also be coded to the full 17-digits. Codes can be obtained from the Defense Supply Handbook, H-3, dated June 1953, and Cataloging Handbook, H4-1 and H4-2 (Federal Supply Code for Manufacturers). These directories may be obtained from the APD having jurisdiction over the geographical area in which plant is situated.
- j. Give specific nomenclature in all cases. For example: welders—indicate whether spot, arc, butt, flash, the manufacturer, throat size, electrical characteristics, frame size; furnaces—manufacturer, model, size and capacity, electrical specifications, whether gas, oil or electrically fired, etc. Size and capacity can be given, along with complete nomenclature, even though model may not be applicable, for all items of related production equipment.

SCHEDULE III—MACHINERY, EQUIPMENT, ETC.

Item No.	Quantity	Description	Estimated cost	Date required
x	x	(a-1) Machine tools (new and used) Include welders, presses, and hammers. Specify if item is used. Costs of installation will be entered parenthetically under description but not added in group or Schedule III(a-1) subtotal. (This charge will be included in Schedule V. (Example: Installation Cost \$..... each).	\$ xx,xxx	x
x	x		xx,xxx	x
		Total Schedule III(a-1)-----	xxx,xxx	
x	x	(a-2) Related production equipment..... Sheet metal equipment, foundry equipment, anodizing and plating equipment, and other production equipment of a permanent nature necessary for production. Show installation cost as indicated in Schedule III(a-1) instructions.	xxx,xxx	x
		Total Schedule III(a-2)-----	xxx,xxx	
x	x	(a-3) Rehabilitation of machine tools only..... Rehabilitation of machine tools only are to be included in this item. Show installation costs as indicated in Schedule III(a-1) instructions.	xxx,xxx	x
		Total Schedule III(a-3)-----	xxx,xxx	
x	x	(b) Building installations (mechanical)..... Stokers, motors, and their mechanical systems, installed in buildings, including cranes, hoists, conveyor systems, etc. Show installation costs as indicated in Schedule III(a-1) instructions.	xxx,xxx	x
		Total Schedule III(b)-----	xxx,xxx	
x	x	(c) Laboratory and testing equipment..... Show installation costs, if any, as indicated in Schedule III(a-1) instructions.	xxx,xxx	x
		Total Schedule III(c)-----	xxx,xxx	
x	x	(d) Furniture and equipment..... Office furniture and equipment, cafeteria furniture and equipment, standard work benches, stock bins, lockers, fire protection devices not part of building, etc. Show installation cost, if any, as indicated in Schedule III(a-1) instructions.	xxx,xxx	x
		Total Schedule III(d)-----	xxx,xxx	
		Total Schedule III-----	xxx,xxx	

- (xii) Explanation of why contract was not awarded to low bidder (if applicable).
- (xiii) Signature of responsible official

(Contractors)

(2) The monthly reports will contain but not be limited to the following information:

(i) A short narrative by the supervising engineer explaining the work progress or lack of progress. Problem areas where AF assistance might be beneficial should be included.

(ii) A short explanation of the funds which show the amount of the basic construction contract and major change orders with appropriate increases and decreases. A short explanation of the changes.

(iii) When applicable, a statement showing construction time extensions, with a short explanation for each one.

(iv) Photographs of significant steps in the construction (not necessarily required with each report).

(3) The final report will include but not be limited to the following:

- (i) Contract No. -----
- (ii) Project No. -----
- (iii) Title of project -----
i.e., "Flight Hangar".
- (iv) Name of the industrial facility being expanded.
- (v) Location of the project (address).
- (vi) Date of completion.
- (vii) Date of acceptance by the air materiel area.
- (viii) Final approved cost of the project.
- (ix) Material used in construction (a general description).
- (x) Description of specific materials.

- (a) Carbon steel by S/Tons -----
Reinforcing bar -----
Other bar (including bar shapes) --
Plate -----
Structural shapes (heavy) and
piling -----
All other mill forms and products --
Total carbon steel (including
wrought iron) -----
- (b) Alloy steel (except stainless) -----
- (c) Nickel-bearing stainless steel -----
- (d) Copper and copper base alloy mill
products -----
- (e) Copper wire mill products -----
- (f) Copper and copper-base foundry products
and powder -----
- (g) Aluminum -----

(4) Report approved by BOB Approval No. 21-R134, which expires June 30, 1960.

NOTE: Forms are not specifically required in order that full use may be made of the reports submitted by the engineering firm supervising the construction. No locally designed forms will be established by AMC activities in connection with the reports prescribed herein. Each of the above types of reports should include items of special interest or importance to the specific construction job. Due to the variety of construction jobs in progress at any given time, it is considered appropriate to depend upon the supervising engineer to divide the individual projects into their important components.

Subpart AA—AFPI Form 81, "Status of Facilities Contract"

A new Subpart AA is added as follows:

- Sec.
- 1013.2700 Scope of subpart.
- 1013.2701 Purpose of report.
- 1013.2702 Definitions.
- 1013.2703 Scope of report.
- 1013.2704 Responsibilities.
- 1013.2705 Submission of report.
- 1013.2706 Preparation of report.

Sec.
1013.2707 Negative reports.
1013.2708 Security classification.
AUTHORITY: §§ 1013.2700 to 1013.2708 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 1013.2700 Scope of subpart.

This subpart sets forth procedures relative to the submission of periodic status reports on facilities contracts.

§ 1013.2701 Purpose of report.

This report satisfies two requirements: (a) It provides a substantial portion of the information for the DD Form 685, "Department of Defense Financed Production Expansion Projects," RCS: DD-COMP (SA)-174R1. The DOD report is required by the Office of the Assistant Secretary of Defense (Comptroller), OASD (Supply and Logistics), OASD (Properties and Installations), the Office of Defense Mobilization, and the Bureau of the Budget. The DOD report is used for planning and guidance, and to provide a basis for reports to Congress.

(b) It furnishes information for management of the Air Force industrial facility complex by Hq AMC.

§ 1013.2702 Definitions.

(a) "Advance Copy" is the specific AFPI Form 81 required for the quarters ending February and August to enable Hq AMC to meet established deadlines for reports to DOD.

(b) "Active Contract" is a facilities contract, funded or unfunded, under which the contractor is currently responsible and accountable for industrial facilities provided by the Government.

(c) "Fiscal Project" is a number used to categorize funds for a specific purpose within an appropriation (e.g., P-131, P-151, etc.) Fiscal Projects are defined in AFM 172-1 (Budget Code).

(d) "Long Form Contract" is a funded contract whereby contractors, subcontractors, or suppliers are authorized to purchase, fabricate, or otherwise acquire facilities for the account, and at the expense, of the Government. In addition, the Air Force may furnish facilities under such a contract from the reserve, from supply, or from surplus.

(e) "Short Form Contract" is an unfunded contract whereby industrial facilities are furnished by the Air Force to contractors, subcontractors or suppliers.

(f) "Obligated Funds" are funds on the contract that have been approved by the administrative contracting officer under the POOD procedure, or other obligations incurred by the contractor which are subsequently approved by the administrative contracting officer.

(g) "Committed Funds" represent the maximum amount of funds that have been authorized as available for obligation on the contract, i.e., the combined total of obligated and unobligated funds.

(h) "Unobligated Funds" represent the difference between the committed funds on the contract and the obligated funds.

§ 1013.2703 Scope of report.

The report will be prepared for two basic types of facilities contracts:

(a) *Long form contract; funded.* Report will cover industrial expansions financed from the following Fiscal Projects:

Fiscal project	Title	Applicable funds
131.....	Industrial facilities.....	1951-1956.
150 Series..	(Industrial facilities)--- guided missiles.	1951-1956.
151.....	Industrial facilities.....	1957- Subsequent.
152.....	Industrial facilities.....	1957- Subsequent.
180 Series..	Industrial mobilization....	1951-1956.
200 Series..	Procurement other than A/C.	1951- Subsequent.
300 Series..	Military public works.....	1951- Subsequent.
400 Series..	Operations and mainte- nance.	1951- Subsequent.
600 Series..	Research and development	1951- Subsequent.
900 Series..	Mutual defense assistance program.	1951-1956.

(b) *Short form contracts; not funded.* The report will be prepared for each contract authorizing the use of AF industrial equipment.

§ 1013.2704 Responsibilities.

(a) Hq AMC will designate specific supplements of contracts for which separate reports are required and utilize AFPI Form 81, "Status of Facility Contract," for reporting to higher authority and for management of the Air Force facility complex.

(b) AMA's will utilize AFPI Form 81 for management purposes and establish controls to assure receipt of all reports on time at Hq AMC.

(c) APD's and AFPRO's will be responsible for reviewing and approving AFPI Form 81.

(d) Administrative contracting officers will be responsible for verifying adequacy and accuracy of contractor provided information on AFPI Form 81. Administrative contracting officer will complete section VI and sign in appropriate space.

(e) Ballistics Missile Office will review reports under their jurisdiction prior to submission to Hq AMC.

(f) RDSKM, Hq ARDC, will review AFPI Form 81 on Research and Development contracts under their jurisdiction.

(g) Air Force contractors will prepare AFPI Form 81, "Status of Facilities Contract" under authority of the Bureau of Budget Approval Number 21-R134 (which expires June 30, 1960) and the "Reports" clause of the facilities contract.

§ 1013.2705 Submission of report.

(a) Reports required:
(1) *Long form contracts*—(i) *Summary report.* One AFPI Form 81 is required for each active contract in summary.

(ii) *Supplemental report.* Some contracts, due to the products involved, will require more than the summary report. These supplemental reports will be identified by specific supplements to the contract. In such cases, each applicable contractor will be advised by the administrator contracting officer on advice from Hq AMC. Supplemental reports will continue until such time as it is determined that the projects covered are to be consolidated and formal noti-

fication sent to the contractor. Instructions for completing reports on individual supplements or group of supplements are contained in § 1013.2706(h).

(2) *Short form contracts.* One AFPI Form 81 is required for each active contract in summary.

(b) *Frequency.* AFPI Form 81 is required quarterly as long as the contract is active.

(c) *As of date.* AFPI Form 81 will be prepared as of the end of each quarter (February 28, May 31, August 31, and November 30) for each active facilities contract.

(d) *Due date.* AFPI Form 81 will be submitted in quintuplicate to the administrative contracting officer to arrive not later than the 10th calendar day following the end of the quarter reported. The administrative contracting officer will forward the report through channels to the Commander, AMC, to arrive not later than the 20th calendar day following the end of the quarter reported.

(e) *Due date.* ARDC administered contracts, AFPI Form 81 will be submitted in quintuplicate to the administrative contracting officer to arrive not later than the 10th calendar day following the end of the quarter reported. The administrative contracting officer will forward two copies to the Commander, ARDC, to arrive not later than the 20th calendar day following the end of the quarter reported. In addition to these two copies, the administrative contracting officer will forward two copies to the Commander, AMC, to arrive not later than the 20th calendar day following the end of the quarter reported.

(f) One of the five copies of AFPI Form 81 submitted to the administrative contracting officer will be forwarded directly by the administrative contracting officer to Hq AMC for the quarters ending February and August to enable Hq AMC to meet established deadlines for reports to the Department of Defense. This advance copy will be marked (ADVANCE COPY) in bold type in the top center of the form and forwarded directly to the Commander, AMC. Air mail will be used for locations west of the Rockies and Florida. Simultaneously, the formal report will be forwarded through channels.

(g) AFPI Form 81 is not required for facility leases.

(h) *Reports control symbol.* This report will be prepared under the authority of RCS: DD-COMP (SA) 174 R1 (AMC-1) and BOB Approval No. 21-R134 (which expires June 30, 1960).

§ 1013.2706 Preparation of report.

(a) *Heading* will be completed as follows:

(1) *"Thru" (AMA).* The administrative contracting officer will enter the AMA through which the report will be forwarded.

(2) *"From" (APD or AFPRO).* The administrative contracting officer will enter the applicable APD or AFPRO.

(3) *"Contractor's name and address."* Enter the name and address of the contractor for which this report is being prepared.

(4) *"Location of facilities."* Enter the name of the city and state in which the facilities are located.

(5) *"Plant ownership."* Enter an "X" in the appropriate block to indicate the ownership of the facilities.

(6) *"Contract No."* Enter the AF contract number which has been assigned by Hq AMC, i.e., AF33 (600)-1234.

(7) *"Supplemental agreement No.(s)."* Enter the applicable supplement number(s) which comprise a specific expansion as identified by the administrative contracting officer on advice of Hq AMC.

(8) *"Reports control symbol."* Enter DD-COMP (SA)-174R1 (AMC-1).

(9) *"As of date."* Enter the as of date of preparation of this report.

(b) Section I, Inventory information, will be completed by the contractor as follows: (All dollars are to be reported in thousands.)

(1) *Line 1. "On contract supplemental agreement(s)."* Insert the net funds (FY 51 and subsequent year funds only) that have been committed for this contract or supplement. See paragraph (a) (7) of this section. Such committed funds will consist of funds originally placed on contract less removals and/or additions provided by supplemental agreements or administrative notice. This amount will represent the total funds available for obligation purposes.

(2) *Line 2. "Authorized by administrative contracting officer."* The total amount authorized by the administrative contracting officer will be considered as the valid obligation (Section 1311, Public Law 663). Likewise, this amount will be periodically adjusted to cover contractor-incurred obligations for items for which advance administrative contracting officer approval is not required. In both cases, such items will be covered by the issuance of DD Form 1155. In no instances will the amount(s) inserted in line 2 exceed the amount reflected in line 1.

(3) *Line 3. "Reimbursed to contractor."* Insert the total amount of funds that the contractor has received to date.

(4) *Line 4. "Amount of Line 2 declared surplus."* Normally entries will appear within Schedules III and IV only. However, listed acquisition costs of any items in Schedules I-V inclusive, outshipped will be included in this line.

(5) *Line 5. "Amount of Line 2 in place."* Enter the cumulative acquisition cost of facilities acquired under this facilities contract or supplement which are "in place" as of the date of preparation of this report. Where subcontractors are being, or have been, expanded through the prime contractor's facility contract, the "in place" value (both the prime and subcontractors) will be carried in this line item, using the back of this report, to list the "in place" value located at each subcontractor's plant until such time as separate facilities contracts are negotiated with the subcontractors.

(6) *Line 6. "Value of industrial reserve equipment."* Enter the cumulative dollar acquisition value of facilities in place furnished from the Air Force Reserve

(if any). Enter unfunded land and buildings acquired for use on this contract as appropriate under Schedules I and II. Enter the valued Reserve (unfunded) machine tool under "Schedule III, Machine Tools." Enter other Schedule III items under "Schedule III, All Other." Equipment purchased from FY-50 and prior year funds that may have been provided on the contract which is stocklisted will also be reported on this line. This line is to provide the total stocklisted equipment plus (unfunded) land and buildings accountable under the contract that is in place.

(7) *Line 7. "All other Air Force industrial equipment."* Enter the cumulative dollar value of all facilities in place accountable under contract (regardless of source) for which the report is prepared not included in line 5 and 6. Include on this line the dollar value of funded (purchased) facilities (land, buildings, and nonstocklisted equipment) provided on the contract from FY-50 and prior year funds that are in place as well as unfunded nonstocklist surplus, or property received from supply, as acquired via a supply contract. All items funded with FY-51 and subsequent years funds will be reflected under lines 1 through 5 only.

(8) *Line 8. "Total Air Force facilities in place."* This line is a total of lines 5, 6, and 7.

(9) *Column B. "Schedule I, Land and land preparation."* Entries on lines 1 through 8 represent facilities in Schedule I as defined in § 1013.2404.

(10) *Column C. "Schedule II, New construction."* Entries on lines 1 through 8 represent new construction included in Schedules IIa and IIb as defined in § 1013.2404.

(11) *Column D. "Schedule II, Rehabilitation of buildings."* Entries on lines 1 through 8 represent the cost for rehabilitation of existing structures included in Schedule IIa and IIb as defined in § 1013.2404.

(12) *Column E. "Schedule II, All other."* Entries on lines 1 through 8 represent Schedule II facilities, as defined in Appendix A guide form in § 1013.2404, and not included in one of the two preceding columns.

(13) *Column F. "Schedule III, Machine tools."* Entries on lines 1 through 8 represent the value of machine tools includable in Schedule IIIa-1 as defined in Appendix A guide form in § 1013.2404. "Machine Tools" as used in this report are those items of machinery found in Standard Commodity Classification 3411 through 3419 and 3441 through 3449.

(14) *Column G. "Schedule III, Rehabilitation of machine tools."* Entries on lines 1 through 5 and 8 represent the costs of rehabilitation of used machine tools included in Schedule IIIa-1, as defined above.

(15) *Column H. "Schedule III, Laboratory and test equipment."* Entries on lines 1 through 8 represent the costs of laboratory and test equipment includable in Schedule III-C as defined in § 1013.2404.

(16) *Column I. "Schedule III, All other."* Entries on lines 1 through 8 rep-

resent Schedule III facilities, as defined in Appendix A guide form in § 1013.2404, and not included in one of the three preceding columns.

(17) *Column J. "Schedule IV, Material handling and automotive equipment."* Entries on lines 1 through 8 represent facilities in Schedule IV as defined in Appendix A guide form in § 1013.2404.

(18) *Column K. "Schedule V, Machinery and equipment installation costs."* Entries in this column represent the installation cost of Schedule III and IV items. Cost of installation of Schedule III and IV items entered on lines 6 and 7 items will also be entered in column K, lines 1 through 5 and 8. Do not use lines 6 and 7 in column K.

(19) *Column L. "Schedule VI, Indirect costs."* Enter the cumulative value of indirect costs which may be authorized under a facilities contract. This column is applicable to lines 1 through 5 and 8 only.

(20) *Column M. "Storage and preparation for shipment costs."* Enter cumulative amount of funds applied for storage and preparation for shipment costs. Funds for this purpose are normally added to a contract by a specific supplement for this purpose.

(21) *Column N. "Total."* Enter total for each line 1 through 8, for each of the preceding 10 columns. This is the total for subparagraphs (1) through 8 of this paragraph.

(c) Section II, Production information, will be completed by the contractor and is designed to provide time schedule information, production rates, and production capacity concerning the contract reported upon. This section is not applicable to research and development contracts, however, a note to this effect should be contained therein. Specific instructions for completing each of the items included are as follows (be sure to indicate the type of units used):

(1) *"Product or program."* List the major products and/or programs currently applicable to this contract. A major product or program means for example a B-52, J-47, Bomarc, etc. Components of engine, airframes, etc., will not be listed individually unless there is only one item on the contract. In the case of various and assorted products, they will be grouped and in lieu of item production data dollar data will be used. Each of the succeeding columns will be completed regarding each individual product/program listed in this column.

(2) *"Expansion was initiated."* Enter the date the contract (supplement) became effective.

(3) *"Earliest date production available."* Enter the earliest date in which the funds provided for this product or program will result, or did result, in the first production. This is the earliest date of initial, but not necessarily full capacity, production. If a past date, enter the actual month and year (do not use terms such as "active" in place of the past date); if a future date, enter the current forecast.

(4) *"Substantial completion of expansion."* Enter the month and year in which the expansion was, or will be sub-

stantially completed and available for capacity production. Enter the actual past date or forecast future date.

(5) *"Direct manufacturing hours expended."* Enter the total direct man-hour manufacturing hours expended on each product or program listed in column (c) (1).

(6) *"Current production rate."* Enter the current monthly production of the items listed in the preceding column, or, in the case of numerous miscellaneous CFE items (e.g., AN fittings, or sleeve bearings), enter the dollar value of the production, or, as in the case of engine components or various airframe components, in terms of engine or ship sets produced.

(7) *"Highest monthly production rate; next six months."* Enter for each product or program the maximum production scheduled within any 1 month of the next 6 months.

(8) *"Highest monthly production rate; life of supply contract."* Enter for each product or program the maximum production scheduled within any 1 month for the life of the supply contract.

(9) *"Shift capacity month before expansion; single shift."* Enter the monthly production capacity for each product or program of this facility before the expansion, i.e., prior to the capacity created by the funds shown in line 1 of Section I, on a single shift, 40-hour-per week basis.

(10) *"Shift capacity month after expansion; single shift."* Enter the estimated monthly single shift production capacity for each product or program of this expansion after 100 percent completion of the contract. This figure

should be the production obtainable on a single shift basis from the former existing facilities plus the production obtainable from the added facilities.

(11) *"Shift capacity month after expansion; multiple shift."* Enter the estimated monthly production capacity for each product or program under all-out emergency conditions after facilitization under this expansion is 100 percent complete. Since one plant may operate on a full 3-shift, 48-hour week, a second plant may operate on a 2-and-a-fractional-shift basis, and a third plant may operate on a straight 2-shift basis, it is impossible for users of this report to apply a uniform factor to determine the maximum production capacity. Therefore, to determine the maximum production capacity after expansion, the reporting contractor will estimate separately for each product or program the maximum output which the plant will be capable of producing when employing the maximum number of shifts practicable.

(d) Section III, Fiscal information, will be completed by the administrative contracting officer and provides specific fiscal information relative to the contract. (All dollars are to be reported in thousands.)

(1) *"Funds on contract."* Enter the fiscal year, fiscal project, and the cumulative net amount of funds committed on the contract. See § 1013.2703(a) and paragraph (b) (1) of this section. The total of all years and projects must equal the total of Line 1, Section I. This information can be obtained from the appropriation citation on the DD Form 1155. For example:

	57X3100	663-1800	P151	S33-600	\$100,000
Fiscal Year	_____				
Fiscal Project	_____				
Amount	_____				

(2) *"Forecast of funds to be authorized by administrative contracting officer."* The difference between lines 1 and 2, Section I, column N, is considered as the total amount of funds available for obligation. The total obtained in this manner will be broken down by fiscal year and fiscal project as reflected under the heading "Funds on Contract." Enter the total amount for each year opposite the applicable fiscal year and record the total at the bottom of the column in the appropriate block. If no funds are to be forecast a zero (0) should be entered. Each amount entered by fiscal year and project will be time-phased under the appropriate column. If any of the funds on the contract will not be required, the dollar amount will be recorded by fiscal year and project under the column, "Anticipated Surplus" and totaled for all years in the block at the bottom of the column. It is essential that the amount of excess funds be reported to Hq AMC.

(e) Section IV, Delivery information (all dollar figures are to be reported in thousands), will be completed by the contractor and provides information concerning future deliveries of facilities

type items by the contractor. A forecast of the dollar value of deliveries of facilities type items is to be entered in this section under the time intervals indicated. Under the heading "Actual Deliveries" enter the actual deliveries by month for the preceding 3 months.

(f) Section V, Contractor approval, provides information regarding investments made by the contractor and approval of the report.

(1) *"Proposed contractor investment."* Enter the cumulative dollar value (in thousands) of proposed investments to support this contract or supplements.

(2) *"Estimated contractor investment to date."* Enter the estimated cumulative dollar value (in thousands) of contractor investments to date in support of this contract or supplement.

(3) *"Contractor approval."* Enter the date of signature, signature, and title of the company or corporate official approving the report.

(g) Section VI, Air Force approvals, will be completed by AF personnel and deals with disposition of the facilities and approvals of the report.

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(1) "Disposition of facilities." Use this part of the report at such time as formal disposal of facilities is started. It is expected that during the life of the supply contract that some funded facility items will be declared excess and the dollar value of same entered in Section I, line 4. However, declaration of excess from time to time during life of supply contract does not warrant usage of Section VI. This section will normally be used subsequent to the time when the total of line 3 equals total of line 1. When all facilities are declared excess, the following information will be completed by the administrative contracting officer:

(i) "AMA recommendation." Indicate the data called for by placing an "X" in the appropriate square according to definition given for each numbered item. Placement of "X" by administrative contracting officer denotes current plan regarding the disposition of the facilities upon termination of current supply contract. If the plan calls for more than one mode of disposition to be applied to the buildings or tools, or both, indicate by placing an asterisk in the block preceding the applicable number code and explain under remarks (Example: Tools, 2; Bldg. 3). A capital "A" appended to the numerical code denotes instances where the disposition of the facilities has been substantially accomplished. The meaning of the code is as follows:

(a) To be maintained or stored on or adjacent to present site by contractor or Government.

(b) Machinery and equipment to be removed to central storage.

(c) To be sold or leased subject to the National Security Clause.

(d) To be declared excess to the needs of the reporting AMA.

(e) No plan at present.

(f) Other (explain under remarks).

(ii) Enter under "Date Started" the date upon which the disposition of facilities was started. A note should be made in the "Remarks" block if a separate contract has been awarded for the accomplishment of the disposition.

(iii) Enter under "Date Completed" the date upon which the disposition of facilities has been completed.

(2) "ACO approval." The administrative contracting officer, upon review and approval of data entered by contractor in Sections I, II, IV, and V and upon entry by the administrative contracting officer of data in Section VI, will sign the report.

(3) "AMA approval." AMA designated personnel will review and approve the report prior to submission to the Commander, AMC.

(h) Supplemental reports: When a contractor is advised by the administrative contracting officer that separate reports are required for specific supplements or groups of supplements the following information will be included:

(1) Heading: All blocks will be completed.

(2) Section I lines 1 through 5 for all columns will be completed. Lines 6 through 8 will be omitted.

(3) Section II will be omitted.

(4) Section III will be completed by contractor.

(5) Section IV will be omitted.

(6) Section V will be completed by contractor.

(7) Section VI will be completed by the Air Force.

§ 1013.2707 Negative reports.

An AFPI Form 81 will be submitted each quarter for the life of the contract. When there is no change in the previous report submitted, a report is required nevertheless. Photostats are permitted. When a program within a contract (Supplement or group Supplements) is complete, i.e., the facilities are no longer in place for use on the program, a complete report will be forwarded and no future reports will be required for the particular item or program.

Note: All facilities must be transferred to a new program or stripped from the facility.

§ 1013.2708 Security classification.

Each report will be classified (or left unclassified) as necessitated by the inclusion of production information in section II. The information required in section II must be included in the report.

Subpart BB—Factual Appendices

Subpart BB is deleted.

Subpart II—Accelerated Tax Amortization

A new Subpart II is added as follows:

Sec.	
1013.3501	Scope.
1013.3502	General.
1013.3503	Definitions.
1013.3504	Policy.
1013.3505	Air Force criteria for determining necessity.
1013.3506	Responsibilities.
1013.3507	Field review of applications.
1013.3508	Review of appeals.

Authority: §§ 1013.3501 to 1013.3508 issued under sec. 8012, 70A Stat. 438; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 1013.3501 Scope.

The Air Force is authorized to review applications for Certificates of Necessity and provide recommendations relative to essentiality of contractor's proposed expansions in support of AF programs. This subpart provides the information required by the various affected echelons who are assigned responsibilities in order that an AF position can be developed for each application.

§ 1013.3502 General.

(a) The Office of Defense Mobilization is the agency designated by Executive Order 10480, August 14, 1953, as amended, to carry out the provisions of section 168 of the Internal Revenue Code of 1954, as amended by Public Law 85-165, with respect to applications for Certificates of Necessity to permit rapid tax amortization.

(b) The Office of Defense Mobilization has closed all expansion goals and restricted the granting of Certificates of Necessity to direct defense needs, under ODM Regulation 1A, March 3, 1958.

(c) Normally, specific AF recommendations for support or nonsupport on individual cases will be made to ODM only when the application involves expansion of eligible facilities in which the Department of the Air Force has the primary interest.

(d) Reports, letters, correspondence, etc., prepared by AF personnel in connection with applications will bear Reports Control Symbol DD-S&L (EXR) 75.

§ 1013.3503 Definitions.

(a) "Necessity Certificate" means a certificate made by the Certifying Authority pursuant to section 168(e) (2) of the Internal Revenue Code of 1954, certifying that the construction, reconstruction, erection, installation, or acquisition of the facilities referred to in the certificate is to be used:

(1) To produce new or specialized defense items or components of new or specialized defense items (as hereinafter defined) during the emergency period.

(2) To provide research, developmental, or experimental services during the emergency period for the Department of Defense (or one of the component departments of such Department) or for the Atomic Energy Commission, as a part of the National Defense program, and stating the portion of the adjusted basis thereof which has been determined to be attributable to defense purposes within the meaning of such section 168(e) (2) for computing the amortization deduction under section 168(a).

(b) "Emergency period" means the period beginning January 1, 1950 and ending on the date on which the President proclaims that the utilization of a substantial portion of the emergency facilities with respect to which Necessity Certificates have been made is no longer required in the interest of National Defense.

(c) "Certifying Authority" means the Director of the Office of Defense Mobilization.

(d) "Emergency facility" means any facility, land, building, machinery, or equipment, or any part thereof, the construction, reconstruction, erection, installation, or acquisition of which was completed after December 31, 1949 and with respect to which a Necessity Certificate has been made.

(e) A "new defense item" means a new product or material (excluding services) which was not in regular production prior to January 1, 1957 and which is, or it is expected will be, produced for sale to the Department of Defense (or one of the component departments of such Department) or to the Atomic Energy Commission to meet current or currently foreseeable requirements and for which it is anticipated there will not be any substantial civilian market. This definition also applies to a "new component" of a new defense item.

(f) A "specialized defense item" mean a product or material (excluding services) for which it is anticipated that there will not be any substantial civilian market and which is, or it is expected will be, produced for sale to the Department of Defense (or one of the component departments of such Depart-

ment) or to the Atomic Energy Commission to meet current or currently foreseeable requirements. This definition also applies to a "specialized component" of a new defense item.

(g) A facility has "specialized defense features," if its design, construction, location, or other comparable special DOD requirements for the facility are controlled solely by consideration of national defense. This means that, above and beyond the usual technical requirements of facilities for the required production, an underground site, protective construction, etc., is warranted and can be justified.

(h) "Regular production" means that the item or component has been produced in quantities exceeding those for experimental or test purposes, or on other than a pilot line basis.

(i) Except as services may be included within "research, developmental, or experimental services," the word "services" means provision of transportation, storage, communications, power, water, fuel, sewerage, heat, refrigeration, and other similar ancillary activities and materials, and excludes production processes, such as fabricating, assembly, testing, retrofit or modification, and irradiation of materials.

(j) "Substantial interest" means that at least 75 percent of the output of the proposed facilities will be for defense prime or subcontracts, or the specific facilities are of such importance to the DOD that Government appropriations would have to be requested for comparable facilities if not provided by investments of private capital.

(k) "Suitability" of existing facilities of a contractor, or those available within his segment of industry or a particular region to produce an item or material, means the capability of the facilities to produce direct defense program requirements for new or specialized defense items according to definition of new or specialized items. Existing facilities which can produce item, though inadequate to produce total requirement, or currently unavailable, can still be considered suitable.

§ 1013.3504 Policy.

(a) *Eligible facilities.* The general policy of ODM is that tax amortization will be granted only to applications eligible under Public Law 85-165 and recommended by the Department of Defense or the Atomic Energy Commission. The general policy of the Department of the Air Force is to recommend approval of specific applications only when there are no suitable facilities to meet AF requirements for new or specialized items or for AF research and development programs.

(b) *Production facilities.* The ODM will certify only those production facilities necessary to support military and AEC procurement needs to meet current or currently foreseeable requirements for new or specialized defense items, i.e., military type end items, and special components or special materials peculiar thereto, for which no substantial civilian market is anticipated. The Air Force will recommend favorable consideration of individual applications for expansion of production capacity only

when there is an apparent need for the proposed expansion to meet DOD program objectives, and there is no known capacity capable of producing the product. Where facilities exist which could produce a defense item, regardless of the availability of such facilities for the required rate of production, tax amortization for new facilities will not be supported. An exception may be made if there is justification for requiring facilities with special defense features, such as design, construction, location, or the need for their being built underground, etc., and no facilities with the required features are available.

(c) *Research and development facilities.* ODM will certify only those research and development facilities which support military or AEC research and development programs. The Air Force will comment as to the necessity for expansion by an individual applicant only when there is a direct or substantial AF interest in the research or development to be performed by the applicant.

(d) *Dispersal.* The industrial dispersal policy expressed in DOD Directive 5220.5 will be applied to tax amortization cases. Generally, the Department of the Air Force will not recommend waiver for the proposed location unless there is sufficient justification, based on the urgency of military requirements, for such location.

(e) *Ineligible facilities.* In general, the following types of facilities will not be considered for support or recommendation:

(1) The acquisition of the productive assets of a going concern or of previously acquired facilities unless:

(i) Clear prospect of a substantial increase in the usefulness of such facilities for national defense exists and such increase cannot be obtained by other practical means.

(ii) Substantial loss of usefulness for national defense would probably result in the absence of such acquisition.

(2) The construction, reconstruction, erection, installation, or acquisition of that part of a facility which is or will be used in lieu of existing facilities, except to the extent considered extraordinary and necessitated by reason of the Emergency.

(3) Facilities acquired from the Government.

(4) Facilities constructed or acquired for purpose of leasing to a defense contractor.

(5) Facilities for the provision of "services" unless:

(i) Such services are an integral part of the production or research and development facility.

(ii) Constructed for or acquired by the same taxpayer who owns the production or research and development facilities.

(iii) The production or research and development facility is itself eligible.

(6) Production facilities constructed or acquired for mobilization reserve purposes, as distinguished from facilities designed to meet current or currently foreseeable defense production needs.

(7) The construction of any facility unless located, insofar as practicable, so

as to reduce the risk of damage in the event of attack.

(f) *Contractor appeals.* It is not a function of the Air Force to assist contractors in their appeals from the amortization percentage granted by Office of Defense Mobilization since there is no AF participation in the percentage determination (see § 1013.3508).

§ 1013.3505 Air Force criteria for determining necessity.

(a) Determine if facilities requested are:

(1) For a new defense item or component thereof (produced for the first time subsequent to January 1, 1957).

(2) For the production of a specialized defense item (a product or material, excluding services, for which it is anticipated that there will not be any substantial civilian market).

(3) Necessary because of specialized defense features involved in a facility(ies) design, construction, location, or other comparable features are controlled solely by considerations of national defense.

(4) For research, development, or experimental services for the Department of Defense.

(b) If facilities involved fall in one or more of the four categories in paragraph (a) of this section, then a determination must be reached that existing facilities are unsuitable. (The unsuitability of existing production facilities will be determined from a consideration of whether the item or component could be produced with existing facilities without regard to whether or not existing facilities are available and/or adequate for the required rate of production. Regarding research, developmental or experimental programs; facilities required to support DOD programs (other than civil functions) will be supported if DOD has a direct or substantial interest. Further, if the applicant does not have DOD contract(s) for the work, facilities will be supported only when the research and development can be associated with and is complementary to an identifiable DOD research and development project or program.)

(c) Current or currently foreseeable requirements: Recommendations will be restricted to the maximum output consistent with providing suitable facilities to meet current or currently foreseeable AF requirements. All recommendations for AF approval of specific applications must be based on the need for additional facilities for AF procurement of new or specialized items or research and development programs for the Air Force. Facilities acquired solely for increased efficiency, convenience, or economy are not certifiable and will not be recommended for favorable consideration.

(d) Dispersal regarding the industrial security program will be examined for each application. For the item or type of production involved, conclusions must be reached as to extent and adequacy of dispersal on a nationwide basis. If it is decided that a waiver should be requested for dispersal criteria, the reasons given must be sound and irrevocable. Included in AMC recommendations will

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be a statement covering population, contours, possible industrial damage, and proximity to key installations, both industrial and military.

(e) Additional production capacity may be supported if a shortage of suitable facilities exist to the degree that the utilization of an additional increase in shift operations is impracticable if the initial rate established by the Air Force was predetermined to be but one of several increments to bring the production to a specific, higher planned regular production rate (although the contractor may not have been aware of this fact).

§ 1013.3506 Responsibilities.

(a) The Chief, Industrial Readiness Branch, Production Division, Hq USAF, will monitor the program for the Air Force. This includes the following actions:

- (1) Develop policy guidance.
- (2) Determine which cases will be processed by the Air Force.
- (3) Transmit cases considered to be of interest to the Air Force to AMC for analysis, comments, and recommendations.
- (4) Effect necessary liaison at departmental level with the Departments of the Army and Navy, CASD (S&L), the delegate agencies, ODM, and other Government agencies as may be necessary.
- (5) Prepare and coordinate at Hq USAF level recommended final Air Force positions on cases for signature at Secretarial level.

(b) AMC Aeronautical Systems Center will:

- (1) Monitor the program at Command level, including coordination with ARDC, ARDC components and other Commands, as necessary. The Chief, Industrial Facilities Division (LMBI), ASC, will monitor the program for AMC.
- (2) Provide guidance and technical supervision for personnel preparing comments and recommendations on applications.
- (3) Analyze replies from field, requirements data, and other information pertinent to application on basis of criteria outlined in § 1013.3505, and send recommendation as to disposition of application to Hq USAF, attn: AFMPP-PD over the signature of the Chief of Industrial Facilities Division (LMBI), within 30 days after initial receipt at AMC. In the event this time limit cannot be met, provide Hq USAF written notice giving reasons for delay and the extension of time required.

(4) Submit a courtesy copy of the LMBI internal Weekly C/N Status Report for the 4th week of each month, to Hq USAF, attn: AFMPP-PD. It will be transmitted to reach Hq USAF no later than the 6th workday of the ensuing month.

(c) AMC's field office personnel will prepare comments and recommendations on applications upon request of LMBI.

(d) Hq ARDC will provide required information and comments to LMBI, including information necessary from its subordinate organizational components.

§ 1013.3507 Field review of applications.

(a) For each case submitted by LMBI to field personnel, appropriate comments and recommendations will be prepared. Definitions, policies, and criteria stated in §§ 1013.3503, 1013.3504, and 1013.3505, will be fully considered.

(b) Requests from LMBI for comments and recommendations on contractors' applications will be directed to the air procurement district chief, or AF plant representative having responsibility for obtaining the information, with a copy of the request forwarded to the cognizant air materiel area. Requests will contain identification number, contractor's name, address, and dollar value.

(c) In preparing recommendations to C/N's, consideration will be given to the following factors, and the comments to LMBI will include relevant statements:

(1) Has a DOD requirement been established and verified for the product or research and development work to be accomplished on the facilities for which the certification for rapid amortization is requested?

(2) If facilities requested are in support of research and development, what percentage of the applicant's existing capacity is devoted directly to DOD interests and what percentage is devoted indirectly or is of substantial interest to DOD?

(3) Why existing facilities are unsuitable to accomplish the military procurement? In some cases the peculiarity of the item may be so special that capacity has never before been developed. If the applicant is a subcontractor, a statement should be obtained from the prime that he has not been able to locate suitable capacity.

(4) What is magnitude in thousands of dollars of the applicant's DOD order board and what percent has been completed? Is there available capacity within the geographical area or known capacity within the United States to accomplish all or a portion of the applicant's order board?

(5) What has been Air Force or other military services experience with applicant's qualifications for manufacturing or research and development capabilities? Such factors as performance, quality control, delivery schedule, and/or proprietary items should be considered.

(6) Does procurement experience indicate there is no suitable capacity to produce required items? Normally, the end item must have some specialized defense feature which involves facilities not normal to commercial production.

(7) Does a special military urgency exist which necessitates expansion of existing capacity?

(8) What other factors were investigated or provided by the applicant which indicate a definite need for the expansion to fulfill military requirements?

(d) Comments and recommendations regarding each case will be forwarded to LMBI within 8 working days after receipt of request. If the deadline cannot be met, due to causes which are beyond the control of the responsible field office, LMBI will be notified immediately

by electrically transmitted message as to inability to comply and date comments will be submitted.

§ 1013.3508 Review of appeals.

Cases which are denied by the Certifying Authority and are appealed by the applicant will be reviewed when it is believed additional facts warrant such a review. Appropriate AMC comment will be forwarded on such cases upon request of Hq USAF.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

PART 1014—INSPECTION AND ACCEPTANCE

1. Section 1014.000 is added as follows:

§ 1014.000 Scope of part.

This part sets forth basic policies to achieve the most efficient use of facilities and services concerned with procurement quality control; that is, inspection, testing, and acceptance of equipment, material, and supplies procured by the Air Force.

2. In § 1014.001, paragraph (b) is revised, and paragraphs (c) and (d) are added as follows:

§ 1014.001 General policy.

(a) * * *

(b) Conformance with contractual requirements of supplies presented to the Air Force will be determined on the basis of objective quality evidence. Such evidence will be obtained by the contractor and will be evaluated and verified by the AF quality control representative (AFQCR) exercising surveillance over the contractor's facility. The AFQCR will make optimum use of the inspection records of examinations and tests performed by or for the supplier in determining acceptability of supplies. Objective evidence may also be obtained independently by AF quality control personnel. This evidence will be used to the extent necessary to verify evidence of quality submitted by the contractor, or it may be used to determine acceptability of supplies on an individual or lot basis.

(c) Government verification inspection will be planned to promote adequate assurance of quality by the most efficient use of the inspection resources of the military departments. The extent of Government verification inspection will be adjusted to reflect the following factors:

(1) Possible effect of item failure on the safety of personnel.

(2) Tactical or strategic importance of the item.

(3) Complexity of the item and the need for high reliability of the item and its components.

(4) Demonstrated quality of the contractor's initial production.

(5) Pertinency, completeness, and reliability of the supplier's inspection records.

(6) Previous quality history of the supplier's product.

(7) Technical importance of the item.

(8) Unit cost of the item.

(d) Government inspection to determine compliance with any requirement of the specification not covered under the quality assurance provisions and other technical requirements of the contract will be conducted to the extent deemed necessary by the military inspecting activity having cognizance at the supplier's plant.

Subpart A—Inspection

1. Sections 1014.100, 1014.101 and 1014.102 are deleted and the following substituted therefor:

§ 1014.100 Definitions.

The terms used in the AF quality control program have specific meanings which must be understood to implement properly the quality control policy.

(a) "Quality." The quality of any material is defined in terms of its specific characteristics. These characteristics, called quality characteristics, are simply those properties of a material that one may measure, or at least observe.

(b) "Product inspection." Product inspection consists of inspection tests or examinations of the physical and functional characteristics of parts, assemblies, and completed products and, generally, is the responsibility of the supplier.

(c) "Evidence." Evidence is any information which is used in ascertaining the condition or status of products or processes. Evidence must be expressed in terms of specific characteristics pertinent to the acceptability of a product.

(d) "Objective." When the quality evidence is of a kind that can be fully checked (verified), such information is said to be objective. Any statements of fact which are: (1) Pertinent to the quality of a product; and (2) based on observations, measurements, or tests which can be verified, constitute evidence which is objective.

(e) "Quality control surveillance." The determination and continuing appraisal by the Air Force of the contractor's methods and procedures for control of his production elements affecting product quality. By careful analysis and systematic planning, AF surveillance will be arranged to yield the best possible information on the contractor's overall control of quality.

(f) "Product identification." A determination of the products which are to be inspected and an identification of the processes involved in order that AF quality control operation can be planned.

(g) "Product inspection surveillance." The determination by the Air Force that the contractor's testing procedures and operations for examination of the chemical, physical, and functional characteristics of the product are being performed and satisfy contractual requirements.

(h) "Product verification inspection." Verification is product inspection performed by the Government inspector for the purpose of verifying the supplier's compliance with the quality assurance provisions of specifications and other contract technical requirements.

§ 1014.101 General.

Most military contracts contain a standard inspection clause which re-

quires that the contractor provide and maintain an inspection system acceptable to the Government. To provide a uniform standard for an acceptable quality control system, the Air Force has issued Specification MIL-Q-5923 (USAF), "Quality Control Requirements, General" (MIL-Q-7640 for chemicals) which specifies the general requirements for an acceptable contractor's quality control system. Specification MIL-Q-5923 will normally apply to AF contracts for items or procurements other than those classes exempted by the specification. Any change to the requirements within the specification or deletions desired but not covered by paragraph 1.2 of the specification will be submitted for coordination and approved by MCQ, Hq AMC.

(a) Where Specification MIL-Q-5923 is not applicable or not in effect, the following procedures will be employed to determine acceptability of the contractor's inspection system:

(1) Contractors will provide and maintain an acceptable inspection system together with the results of their inspection. The contractor will be required to make available to the inspector written descriptions of the inspection system including samples of records of all inspection work. This description will describe the contractor's actual inspection operations and will be current.

(2) The contractor's written inspection plan will be considered acceptable to the Government when, as a minimum, it provides quality assurance required by section 4 of applicable specifications when such documents are definitive or it provides for determination of quality standard requirements and other such inspection requirements of the procurement documents.

(3) Government verification inspection will be conducted according to instructions in the procurement document to assure that supplies conform to contractual quality requirements and to determine the effectiveness of the contractor's inspection system.

(4) When verification inspection indicates that the contractor is furnishing supplies consistently equal to or better than the quality standards established in the procurement documents, reduced Government inspection may be initiated.

(5) If the contractor's control of quality deteriorates, or if the contractor fails to maintain an acceptable inspection system, the Government inspector will immediately inform the contractor of the conditions and request corrective action. When the condition is not corrected within a reasonable time, action as indicated in § 1014.104 will be taken. Pending such resolution and as a matter of expediency, the Air Force will increase its inspection sufficient to insure against delivery of unsatisfactory material.

(b) When another military service is performing inspection and acceptance functions for the Air Force, the quality control procedures of the performing service are acceptable. In such cases, compliance with Specification MIL-Q-5923 is at the discretion of the inspection service.

(c) To promote uniformity in Government verification inspection of suppliers' compliance with the quality assurance provisions of specifications and other technical requirements of the contract, the aspects of verification inspection which will be evaluated are: (1) Review and evaluation of the supplier's inspection procedures, (2) inspection and calibration of the supplier's gages, measuring and test equipment, (3) examination of the supplier's inspection records, and (4) performance of product verification inspection.

(i) In reviewing and evaluating the supplier's inspection procedures for determination of conformance to the detailed sampling, examination, and testing procedures prescribed in the specification and contract, the elements which are grouped into examination and test procedures (a) to (j) of this subdivision will be included in the review and evaluation by the Government inspectors:

(a) Observe the supplier's procedures concerning lot information and segregation requirements when specified.

(b) Observe the supplier's sampling procedures or unit-by-unit examination (see Supply and Logistics Handbook H-105, "Administration of Sampling Procedures for Acceptance Inspection," for established basic principles of sampling inspection).

(c) Determine that the supplier's examination includes all of the various characteristics or defects listed in the specification or contract and that examination procedures comply with any special gaging and instrumentation requirements.

(d) Review to determine that the acceptability criteria (e.g., acceptance numbers from appropriate sampling plans of MIL-STD-105 corresponding with the specified Acceptable Quality Levels (AQL)) are as specified.

(e) Review supplier's screening procedures when acceptability criteria for sampling inspection are not satisfied.

(f) Observe the supplier's procedures concerning lot formation and segregation requirements when specified.

(g) Observe the supplier's sampling procedures or unit-by-unit testing (see Supply and Logistics Handbook H-105).

(h) Review supplier's schedule and procedures to determine that all required tests are included and to determine that testing methods, analyses, and apparatus conform to specification or contract requirements.

(i) Review to determine that acceptability criteria for sampling for testing are in conformance with specification or contract requirements.

(j) Review supplier's 100 percent retest procedures when acceptability criteria for sampling are not satisfied and 100 percent retest is appropriate.

(ii) In inspection and calibration of the supplier's gages, measuring and test equipment, the Government inspector will determine that the supplier has available and utilizes correctly, gaging, measuring, and test equipment of required accuracy and that the instruments are of proper type and range to make measurements of the required accuracy. The supplier will have avail-

able a set of master gages, standards and appropriate instruments for regularly scheduled calibration of his inspection equipment. Records of such regularly scheduled calibration will be maintained by the supplier and made available for review by the Government. Periodically, the calibration of gages, standards, and instruments will be checked.

(iii) In examination of the supplier's inspection records, the Government inspector will determine that these records are pertinent and complete regarding the detailed requirements of the specification and contract. The inspection record should include provision for entering information on appropriate item identification, lot size, acceptability criteria, results of examinations or tests expressed as attributes or variables data and disposition of the material as in conformance or nonconformance to acceptability criteria established in the specification or contract.

(iv) In performance of product verification inspection, the Government inspector will verify the supplier's compliance with the quality assurance provisions of the specification and other technical contract requirements by performing complete or partial reinspection on either all of the supplier's sample units or a sample of these units, and by selecting, independently of the supplier, samples from submitted lots for examination and tests to substantiate that the supplier's inspection records represent the true quality of the product.

(d) The AF Procurement Quality Control Plan sets forth the surveillance system which is used in performing the AF quality control functions contained herein. AF surveillance over a contractor's quality control system determines the effectiveness of the contractor's quality control system and serves as an aid in determining that supplies accepted by the Air Force conform to contractual requirements.

§ 1014.102 Responsibility for inspection.

(a) AMC is responsible for accomplishing, within the Air Force, the procurement quality control objectives of the Department of Defense. These objectives are: (1) Achieve adequate, uniform, and economical procurement inspection, testing, and acceptance throughout the Department of Defense, (2) eliminate duplication, overlapping, and multiple quality control assignments, (3) have all military quality control at a plant conducted by a single military quality control activity, and (4) develop and implement uniform quality control procedures, methods, and practices. AMC and ARDC are jointly responsible for accomplishing the objective set forth in subparagraph (4) of this paragraph.

(b) AMC is solely responsible for the development of quality control procedures and acceptance criteria which have general application to all products. When the Air Force has responsibility for the preparation of a product specification, ARDC, in collaboration with AMC, is responsible for the development of inspection procedures and acceptance

criteria which are particularly applicable to the product. Inspection procedures and acceptance criteria include the inspections, tests, classifications of defects, etc., which are necessary to measure the quality of the product and to provide a basis for acceptance.

(c) AMC will normally accomplish the Government inspection and acceptance functions at contractors' facilities. Where contractors are to perform work or services at AF installations, the technical and inspection capabilities of such installations will be used to the fullest extent practicable for accomplishing the inspection and acceptance functions. In such cases, AMC will, when appropriate, provide technical assistance and guidance.

(d) On procurements involving several commands (for example, AMC and ARDC on research and development contracts) the procuring activity will clearly specify, through the inspection option in the contract, the responsibilities of each for inspection and acceptance.

(e) The supplier will be responsible for compliance with all technical requirements of the specification and contract. Inspection requirements are set forth in § 1014.103.

2. Section 1014.103 is revised as follows:

§ 1014.103 Inspection requirements.

AMC will establish inspection requirements sufficient to determine the acceptability of supplies and services presented to the Air Force. AMC may, when the public interest will be best served, prescribe the conditions when supplies, which are subject to AF inspection, may be shipped without such inspection being performed or without requiring the presence of the inspector on each individual shipment.

(a) Inspection requirements for the supplier will provide that the supplier is responsible for compliance with all technical requirements of the specification and the contract including the performance of all of the examinations and tests set forth in the specification to substantiate conformance of supplies to specification requirements unless certain tests and examinations are explicitly identified as the responsibility of the Government. In the performance of all tests not the responsibility of the Government, the prime contractor will provide or make arrangements for adequate test facilities. Test records will be maintained by the supplier and made available for use by the Government for duration of the contract or the time specified in the contract.

(b) While the execution of inspection requirements prior to submission of supplies to the Government normally will be the responsibility of the supplier, under certain conditions, it is advisable to state in the specification or contract the particular examinations and tests to be performed by the Government. The following are specific situations for which it may be desirable to designate explicitly in the specification or contract, examination and testing solely by the Government:

(1) Test requirements which necessitate the use of specialized test equipment or facilities not ordinarily available in suppliers' plants or commercial laboratories, e.g., ballistic testing of ammunition, environmental tests, and simulated services tests.

(2) Inspection to determine qualification of a supplier's product for inclusion on a Qualified Products List.

(3) Preproduction, pilot-lot or pilot model examination and testing, either at a Government installation or at the supplier's plant.

(c) Where the specification or contract requires the prime supplier to conduct particularly expensive tests involving destruction of supplies, extended periods of time for conducting the tests, or other factors contributing to high testing costs, etc., these tests will be scheduled and coordinated by the contractor with the Government for simultaneous supplier and Government accomplishment to the maximum extent practicable to preclude the need for subsequent independent Government verification testing.

(d) When the above statements of supplier responsibilities are not covered in the specifications or in other procurement documents, such statements will be included in Invitations for Bids and in subsequent contracts. On revision of specifications or other procurement documents, action will be taken to include appropriate statements clearly specifying the supplier's responsibilities.

3. Section 1014.105 is revised as follows:

§ 1014.105 Inspection under subcontracts.

(a) *Policy.* (1) It is Department of Defense policy to perform under certain conditions Government quality control and inspection functions at plants having subcontracts or purchase orders to furnish articles for use on Government prime contracts. The primary purpose of such inspection is to assist the Government inspector at the receiving contractor's plant in determining the conformance of purchased parts, components, and assemblies with contractual requirements. It is merely a preliminary Government inspection and does not guarantee final acceptance. This inspection does not relieve the prime contractor of his responsibility to furnish an acceptable end-article.

(2) To assure the most economical inspection of subcontracted supplies consistent with protection of product quality, Government inspection under subcontracts is normally conducted only on supplies which affect the safety, performance, interchangeability and reliability of the end-item. However, these items do not require inspection at the subcontractor's plant if they can be inspected satisfactorily and economically on receipt at the receiving contractor's facility, or suitable statements of quality are available with respect to quality characteristics inspected at the subcontractor's plant by either the prime or subcontractor. For further explanation, see paragraph (c) of this section.

(b) *General.* (1) Inspection under subcontracts is, in effect, an extension of the activities of the Government inspector at the receiving contractor's plant. It is immaterial whether the inspection is performed by an AF inspector or by an inspector of another service under an inspection exchange agreement. The indication that inspection was performed (usually a Government stamp on the subcontractor's packing sheet) constitutes part of the evidence which the inspector at the receiving plant needs to make his decision as to the acceptability of the item.

(2) When performing under subcontract inspection, Government inspectors are guided by the requirements of the subcontract or purchase order and the procedures of their department. Hence, AF inspectors perform inspection on subcontracts and purchase orders according to the AF quality control policy and the provisions of AF directives. Government inspection under subcontracts may (but does not normally) involve acceptance of articles for the Government. The inspector at the prime contractor's plant usually has final responsibility for acceptance.

(c) *Applicability.* Government inspection of subcontracted supplies will not be required at the subcontractor's plant unless one or more of the following conditions apply:

(1) Test reports, inspection records, certificates, or other suitable statements of quality related to quality characteristics inspected only at the subcontractor's plant by either the prime or subcontractor, are not available for use in lieu of Government inspection at the subcontractor's plant and, in addition, the conditions for inspection at source established in § 14.103-2 of this title are applicable.

(2) Inspection at the subcontractor's plant is necessary to verify test reports, inspection records, certificates, or other statements of quality used in lieu of Government inspection at the subcontractor's plant.

(3) The subcontracted item is to be shipped from the subcontractor's plant to a DOD using activity and the conditions for inspection at source established in § 14.103-2 of this title are applicable.

(4) The contract or applicable Government specification specifies that certain inspections are to be made by a Government inspector and these inspections can be performed only at the subcontractor's plant, e.g., where special equipment is available only at the subcontractor's plant.

(d) *Procedure.* When Government inspection at the subcontractor's plant is required under the conditions defined in paragraph (c) (1) and (2) of this section, the inspector at the prime contractor's plant will:

(1) Identify to the extent practical the specific quality characteristics of the subcontracted item to be subjected to Government inspection.

(2) Limit requests for such inspection, in terms of frequency, to the minimum that assures an adequate verification of inspection made only at the

subcontractor's plant by either the prime or subcontractor.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

PART 1015—CONTRACT COST PRINCIPLES

Subpart A—Applicability

1. Section 1015.150 is revised as follows:

§ 1015.150 Costs suspended and/or disallowed under cost-reimbursement type contracts.

(a) *General policy.* (1) It is AF policy that contractors generally will be notified promptly in writing when costs claimed for reimbursement are suspended tentatively as not being properly supported and disapproved as not being allowable according to contract terms or not reasonably incident or allocable to performance of AF cost-reimbursement type contracts. DD Form 396, "Notice of Costs Suspended and/or Disapproved," will be used. It will not be used to notify contractors of decision of the contracting officer under the Disputes clause of the applicable contracts.

(2) In all cases the ACO should satisfy himself that the explanation and reasoning indicated for such disapproval is clear and concise.

(b) Where the DD Form 396 pertains only to items suspended because of improper, insufficient documentary evidence or other similar condition which may be corrected readily, the ACO may waive conferences with other Government personnel. Within a reasonable time after issuance of a suspension notice, the contractor should have submitted the explanation, documentations, data, or justifications supporting the admissibility of suspended costs. Where the contractor is operating on funds advanced by the Government or where other circumstances warrant, ACO's will make reasonable efforts to effect prompt resubmission of suspended costs. Where Government advance funds are involved, failure of the contractor to resubmit costs may be the basis for requiring the contractor to restore to the advance fund account an amount equal to suspended costs. Normally, costs suspended will not be converted or disapproved when there is no reason for the conversion other than the contractor's failure to resubmit costs. During the contract, the mere passage of time does not change the basic reimbursable or nonreimbursable nature of the item in question. A final determination concerning the status of all suspended items will be made prior to or at the time the completion voucher under the contract or subcontract is submitted.

(c) Costs to be suspended and/or disapproved by DD Form 396 will be agreed upon by ACO and military department auditor to greatest extent possible before issuance. When auditor issues DD Form 396, original and six unnumbered copies will be sent to ACO. If ACO concurs, he will assign Notice Number and distribute (1) original and

two copies to contractor, (2) one copy (attached to SF 1034) to General Accounting Office through disbursing officer, (3) one copy (attached to SF 1034A) to disbursing officer, (4) one copy to the auditor, and (5) one copy for his own file. Original and copies designated in (1) and (2) will be signed by ACO and auditor. Other copies will bear stamped or typed signatures. When ACO does not concur, he will state his reasons for nonconcurrence and return one unsigned and unnumbered copy to auditor, after which he will confer with auditor and with Air Force and contractor personnel familiar with items in question. Auditor should be present whenever questions of cost allowability are discussed with contractor. When ACO and auditor do not agree on specific items, based on available information, ACO will include or ask auditor to include those items under costs suspended pending further action at next highest organizational levels to resolve the disagreements.

(d) Upon receipt of reply from the contractor, the ACO will consult the Government auditor concerning any additional information and justification submitted. If the ACO decides not to withdraw his original determination, he will send the contractor a formal statement of findings and decision referring to the disputes clause of the contract. In addition to the requirements of § 1054.503-2 of this chapter, written findings and decisions will be sent through the appropriate staff judge advocate. If no reply is received from the contractor within the time prescribed in the DD Form 396, the administrative contracting officer may presume that the contractor concurs in the nonallowability of the costs involved and, unless further word is received from the contractor, need take no further action with respect to such costs.

(e) It is possible that some contractors may consider a DD Form 396 disallowance as final and institute an appeal directly from that disallowance. The issuances of a DD Form 396 indicating the disapproval of costs is not considered a decision by the contracting officer with respect to a dispute within the meaning of the Disputes clause of the Government contract. Therefore, although the DD Form 396 sets a time limit for reply, failure to comply with such time limit has no legal effect upon the rights of the parties under that clause. If after the receipt of the DD Form 396, the contractor requests in writing an extension of time, the administrative contracting officer may authorize such extension of time by a separate letter to the contractor. To reduce the likelihood of such premature appeals, the contracting officer should assure himself that the contractor is familiar with this provision whenever a DD Form 396 disapproval is issued.

Subpart B—Supply and Research Contracts with Commercial Organizations

1. In § 1015.204, paragraph (r) is revised as follows:

§ 1015.204 Examples of items of allowable costs.

(r) Recruiting (including "help wanted" advertising) and training of personnel.

(1) The reasonableness of recruitment costs will be determined on a case-by-case basis, taking into consideration all of the conditions bearing on the particular case, including the magnitude of the recruitment problem, the effectiveness of the control, and administration exercised with respect to the formulation, direction, and cost of recruitment programs and practices, and the effectiveness of the recruitment programs and practices themselves. In determining reasonableness of recruitment costs, due weight will be given to the following criteria:

(i) Evidence of effective budgetary control of recruitment costs.

(ii) Evidence of effective administrative control and direction in the formulation and operation of recruitment programs.

(iii) Evidence of other effective controls and reviews to detect and prevent indiscriminate, imprudent, and costly recruitment practices.

(iv) Evidence that the size of the engineering and scientific staffs recruited and maintained is in keeping with workload requirements.

(v) Evidence of effective analysis to determine the cause and effect of the rate of employee turnover.

(vi) Evidence that payments of allowances to new and prospective employees are reasonable and governed by established policy.

(vii) Evidence that salaries and fringe benefits, including educational benefits, offered to new employees are reasonable and governed by established policy.

(viii) Evidence of violations of recruiting ethics in the form of proselytizing.

(2) Help wanted advertising is allowable to the extent that such costs are reasonable when considered in conjunction with all other recruitment costs.

Subpart D—Construction Contracts

A new Subpart D is added as follows:

§ 1015.450 Uniform rental rates.

Department of Defense Instruction 4105.2, August 9, 1956, will be used in determining rental rates on cost-plus-a-fixed-fee construction and architect-engineer contracts and subcontracts.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

PART 1016—PROCUREMENT FORMS

A new Subpart A is added as follows:

Subpart A—Forms for Advertised Supply Contracts

Sec.	
1016.101	Separate award type (Standard Forms 30, 31, 32, 26, and 36 and DD Form 1260).
1016.101-2	Conditions for use.
1016.101-50	Instructions for use.
1016.102	Combination type (Standard Form 33).

Sec.	
1016.102-2	Conditions for use.
1016.102-50	Instructions for use.
1016.150	Auxiliary forms.
1016.150-2	Standard forms.
1016.150-4	Department of Defense forms.

AUTHORITY: §§ 1016.101 to 1016.150-4 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 1016.101 Separate award type (Standard Forms 30, 31, 32, 26 and 36 and DD Form 1260).

§ 1016.101-2 Conditions for use.

(a) The Invitation and Bid (Standard Form 30) and the Schedule (Standard Form 31) will be prepared according to § 2.201 of this title and § 1002.201 of this chapter.

(b) to (d) see § 16.101-2(b)-(d) of this title.

§ 1016.101-50 Instructions for use.

(a) When effecting procurement within the continental United States, its Territories and possessions, the Supply Contract—Formal Advertising (Separate Award Type) will comply with instructions in Subpart A, Part 1007 of this chapter.

(b) When effecting procurements outside the continental United States, its Territories and possessions, the Supply Contract—Formal Advertising (Separate Award Type) will comply with instructions in Subpart PF, Part 1007 of this chapter.

(c) Pending the printing of revised Standard Form 30, "Invitation and Bid (Supply Contract)," the form will be modified by changing the "Bidder Represents: (3)" on the face of the form to conform with the requirements of § 1.506 of this title.

(d) When effecting procurement outside the continental United States, its Territories and possessions, the Standard Form 30, "Invitation and Bid (Supply Contract)," will be further modified as follows:

(1) Delete "Bidder Represents: (1)" on the face of the form.

(2) Delete "Bidder Represents: (3)" on the face of the form.

(3) Delete "Labor Information" from the Terms and Conditions on the reverse side of the form.

§ 1016.102 Combination type (Standard Form 33).

§ 1016.102-2 Conditions for use.

(a) The Invitation for Bids and Schedule portion of Standard Form 33 will be prepared according to § 2.201 of this title and § 1002.201 of this chapter.

(b) to (d) see § 16.102-2(b)-(d) of this title.

§ 1016.102-50 Instructions for use.

See § 1016.101-50, which is applicable also to Supply Contract—Formal Advertising (Combination Type).

§ 1016.150 Auxiliary forms.

§ 1016.150-2 Standard forms.

(a) Standard Form 1036, "Statement and Certificate of Award." See § 16.801 of this title.

§ 1016.150-4 Department of Defense forms.

(a) DD Form 558-1, "Bidder's Mailing List Application Supplement." See § 1016.810-50(a) (1).

Subpart B—Forms for Negotiated Procurement

Subpart B is revised as follows:

Sec.	
1016.200	Scope of subpart.
1016.201	Request for quotation (DD Form 747); (BOB No. 22-R135.)
1016.202	Negotiated contract forms.
1016.202-1	DD Forms 1261 and 1270.
1016.202-2	DD Forms 351, 351-1 and 351-2.
1016.203	Request for proposals, amendment to request for proposals, proposal and acceptance (DD Forms 746, 746s, 746-1, 746-2). (BOB No. 22-R136.)
1016.204	General provisions—cost-reimbursement supply contract (DD Form 748).
1016.205	General provisions—Fixed-price supply contracts (Standard Form 32).
1016.206	Cost and price analysis (DD Form 633).
1016.207	Cost analysis for price redetermination (DD Form 784).
1016.207-50	Price redetermination forms (AFPI Forms 4, 4A, and 4B).

AUTHORITY: §§ 1016.200 to 1016.207-50 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 1016.200 Scope of subpart.

See also Subpart C of this part.

§ 1016.201 Request for quotation (DD Form 747); (BOB No. 22-R135).

See § 16.201 of this title.

§ 1016.202 Negotiated contract forms.

§ 1016.202-1 DD Forms 1261 and 1270.

See § 16.202-1 of this title.

§ 1016.202-2 DD Forms 351, 351-1 and 351-2.

See § 16.202-2 of this title.

§ 1016.203 Request for proposals, amendment to request for proposals, proposal and acceptance (DD Forms 746, 746s, 746-1, 746-2); (BOB No. 22-R136).

See § 16.203 of this title.

§ 1016.204 General provisions—cost-reimbursement supply contract (DD Form 748).

See § 16.204 of this title.

§ 1016.205 General provisions—fixed-price supply contracts (Standard Form 32).

See § 16.205 of this title.

§ 1016.206 Cost and price analysis (DD Form 633).

To secure price and cost data for procurement of technical personnel services, DD Form 633-1, "Cost and Price Analysis, Technical Personnel Services Procurement," may be used in lieu of DD Form 633.

§ 1016.207 Cost analysis for price redetermination (DD Form 784); (BOB No. 22-R147).

See § 16.207 of this title.

§ 1016.207-50 Price redetermination forms (AFPI Forms 4, 4A, and 4B).

The following AFPI forms will be used as applicable:

(a) AFPI Form 4, "Request for Price Analysis."

(b) AFPI Form 4A, "Price Redetermination Data."

(c) AFPI Form 4B, "Report of Price Redetermination Workload and Delinquent Redetermination." (RCS No. AMC-N22.)

Subpart C—Purchase and Delivery Order Forms

1. Sections 1016.301 and 1016.302 are added as follows:

§ 1016.301 Receipt for cash-subvoucher (Standard Form 1165).

AF procurement activities will use AF Form 385, "Cash Purchase Receipt," and AF Form 763, "Interim Receipt for Cash," in lieu of Standard Form 1165.

See § 1003.604 of this chapter.

§ 1016.302 Purchase order-invoice-voucher (Standard Form 44).

See § 3.605 of this title and § 1003.605 of this chapter.

2. Sections 1016.303-1 and 1016.303-2 are added as follows:

§ 1016.303-1 General.

See § 16.303-1 of this title.

§ 1016.303-2 Conditions for use.

(a) *General.* See § 16.303-2 of this title.

(b) *Use as a purchase order of not more than \$2,500.* Section 16.303-2(b) (2) of this title will be interpreted as prohibiting the addition of any clause covering the subject matter of any ASPR clause, except as authorized therein, and the following:

(1) When effecting purchases outside the United States, its Territories and possessions, and Puerto Rico, DD Form 1155 will be amended according to Subpart PP, Part 1007 of this chapter.

(2) When required, a provision substantially as follows will be inserted on the schedule portion: "A variation in quantity not to exceed _____% is authorized subject to the conditions of General Provisions No. 2 on the reverse hereof."

(3) When the DD Form 1155 is used in procurements of Food Products, the following clause will be added when applicable. (See § 6.303 of this title.)

PREFERENCE FOR DOMESTIC FOOD PRODUCTS

The Contractor agrees that there will be delivered under this contract only such articles of food as have been grown or produced in the United States, its Territories, its possessions, or Puerto Rico; provided this clause shall have no effect to the extent that the Secretary has determined as to any such articles that a satisfactory quality and sufficient quantity cannot be procured as and when needed at United States market prices; provided further that nothing herein shall preclude the delivery of foods under this contract which have been manufactured or processed in the United States, its Territories, its possessions, or Puerto Rico.

(c) *Use of DD Form 1155s.* Section 16.303-2(c) of this title will be interpreted

as prohibiting the addition of any clause covering the subject matter of any ASPR clause, except those referred to in § 16.303-2(b) (2), and those set forth in paragraph (b) (1), (2) and (3) of this section.

(d) *Use as a delivery order.* See § 16.303-2(d) of this title.

(e) *DD Form 1155c (Continuation sheet).* When Standard Form 36, "Continuation Sheet (Supply Contract)," is used in lieu of DD Form 1155c, a column designated "Quantity Accepted" will be added to the Standard Form 36, to permit the completion of the Inspection and Acceptance Certificate on the face of DD Form 1155.

(f) *Use in the purchase of commissary resale items.* When the DD Form 1155 is used to purchase commissary resale items, sufficient space will be allowed in the "Supplies or Services" column between the descriptions of the items and the "Quantity (No. of Units)" column to permit the commissary officer to manually insert the unit and total selling prices of each item.

Subpart E—Special Contract and Order Forms

1. Sections 1016.501, 1016.502, 1016.503 and 1016.504 are added as follows:

§ 1016.501 Negotiated utility service contract forms.

See § 16.501 of this title.

§ 1016.501-1 Estimated annual cost \$2,400 or less (DD Form 671).

(a) and (b) see § 16.501-1 (a)-(b) of this title.

(c) See §§ 1007.3703, 1007.3704, and 1007.3705 of this chapter.

(d) See §§ 1007.3706, 1007.3707, 1007-3708, and 1007.3709 of this chapter.

§ 1016.501-2 Estimated annual cost over \$2,400.

When the estimated annual cost of the services to be procured is over \$2,400, such services will be procured by a written contract.

§ 1016.501-50 Formats.

The formats of DD Form 671, "Negotiated Service Contract," and of Utility Service Contract (Long Form) are set forth in Subpart KK, Part 1007 of this chapter. DD Form 671 is available through normal supply channels. Utility Service Contract (Long Form) is not available through supply channels and local reproduction is authorized.

§ 1016.501-51 Procurement outside the continental United States, its territories and possessions.

When effecting procurements outside the continental United States, its Territories and possessions, DD Form 671 and Utility Service Contract (Long Form) will be amended according to Subparts KK and PP, Part 1007 of this chapter.

§ 1016.502 Negotiated contract form for stevedoring services (DD Form 674).

See § 16.502 of this title.

§ 1016.503 Master contract for repair and alteration of vessels (DD Forms 731 and 731-1).

See § 16.503 of this title.

§ 1016.504 Order for paid advertisements (Standard Forms 1143 and 1144).

Implementation is set forth in § 1002-202-4 of this chapter.

Subpart H—Miscellaneous Forms

1. In § 1016.810-50, subparagraph (4) of paragraph (a) is revised as follows:

§ 1016.810-50 Processing bidders' mailing application form.

* * * * *

(a) * * *

(4) Send applications and AFPI Form 24, "Commodity List Data," BoB Approval No. 22-R105, to the cognizant air procurement district, attn: Small business specialist, when applications are intended for the AMC Aeronautical Systems Center, or AMC field procurement activities (exclusive of base procurement functions thereof).

2. Sections 1016.812, 1016.813, 1016.814, 1016.814-1 and 1016.814-2 are added as follows:

§ 1016.812 Release and assignment forms.

(a) to (c) See § 16.812(a)-(c) of this title.

(d) When the forms set forth in § 16.812(d) of this title, titled "Contractor's Assignment of Refunds, Rebates, Credits, and Other Amounts," is to be executed by contractors located in California or who have claims for refund of California taxes the following parenthetical sentence will be added at the end of paragraph 1 of the form directly following the word "thereunder": "(except those for refunds, rebates, or credits for taxes paid to the State of California or any political subdivision thereof)," and in addition, the following paragraph 4 will be added to the form contained in § 16.812(d) of this title: "In the event the contractor obtains or receives any refund, rebate, or credit for taxes paid to the State of California or any political subdivision thereof, in connection with the performance of this contract, and for which the contractor is paid or reimbursed by the Government, the contractor agrees to pay over to the Government an amount equal to such refund or credit (including interest paid or credited to the contractor incident to such refund or credit to the extent such interest was earned after the contractor was paid or reimbursed by the Government for such taxes). In the event the contractor receives any benefit in lieu of or in addition to such refund, rebate, or credit, the contractor agrees to pay over to the Government an amount equal to such benefit."

(e) See § 16.812(e) of this title.

§ 1016.813 Change order price analysis (DD Form 1107).

See § 16.813 of this title.

§ 1016.814 Experience data forms.

§ 1016.814-1 Architect-engineer experience data (DD Form 1071).

DD Form 1071, BoB Approval No. 22-R184, replaces AF Form 194.

§ 1016.814-2 Construction contractor experience data (DD Form 1072).

DD Form 1072, BoB Approval No. 22-R183, will be used whenever it is necessary or desirable to secure experience and organizational data from construction contractors. For example, a construction contractor who desired to be placed on the list of bidders for construction contracts would be required to complete and submit DD Form 1072. DD Form 1072 is available in cut sheets only. (Sec. 8012, 70A Stat. 483; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

A. Section 1030.2 *Appendix B*, is amended as follows:

PART I—INTRODUCTION

1. B-103 is deleted and the following substituted therefor:

B-103 *Definitions.*

2. B-103.1 through B-103.19 are added as follows:

B-103.1 *"Contract administrator"*. See § 30.2, Appendix B of this title.
B-103.2 *"Property administrator"*. See § 30.2, Appendix B of this title.
B-103.3 *"Government property"*. See § 30.2, Appendix B of this title.

B-103.4 *"Industrial facility"*. See § 30.2, Appendix B of this title.

B-103.5 *"Industrial property"*. See § 30.2, Appendix B of this title.

B-103.6 *"Real property"*. See § 30.2, Appendix B of this title.

B-103.7 *"Utility distribution system"*. See § 30.2, Appendix B of this title.

B-103.8 *"Plant equipment"*. See § 30.2, Appendix B of this title.

B-103.9 *"Minor plant equipment"*. See § 30.2, Appendix B of this title.

B-103.10 *"Production equipment"*. See § 30.2, Appendix B of this title.

B-103.11 *"Machine tools"*. See § 30.2, Appendix B of this title.

B-103.12 *"Accessory item"*. See § 30.2, Appendix B of this title.

B-103.13 *"Auxiliary item"*. See § 30.2, Appendix B of this title.

B-103.14 *"Special tooling"*. See § 30.2, Appendix B of this title.

B-103.15 *"Material"*. See § 30.2 Appendix B of this title.

B-103.16 *"Salvage"*. See § 30.2 Appendix B of this title.

B-103.17 *"Scrap"*. See § 30.2, Appendix B of this title.

B-103.18 *"Property account"*. The "property account" will be assigned the same number as the prime contract. Subcontract property accounts will be assigned a number consisting of the prime contract number plus a suffix which will be the number of the subcontractor or purchase order, as assigned by the prime contractor.

B-103.19 *"Stock record"*. See § 30.2, Appendix B of this title.

PART II—GENERAL PROVISIONS

1. In B-205.1, paragraph (c) is added as follows:

B-205.1 *Military installations or other contractor's plants.*

(c) The power to authorize shipment of UR (Unsatisfactory Reports) Exhibits to contractors for evaluation and study at no cost to the Government, without benefit of contractual coverage, has been extended to the

commanders of AMA's and AF depots (CONUS), with power of redelegation to and through the director of logistics support management and the AMA quality control office to the minimum level of authority set forth in the following: (1) the authority to approve the release of engineering UR Exhibits under the Quick Engineering Fix program may be delegated to AFPR's and BAR's listed, and for products specified, in T.O. 00-35D-54; (2) the authority to approve the release of engineering exhibits other than described UR Exhibits will be vested in the chief and deputy chief of the appropriate logistics support management division; and (3) the authority to approve the release of procurement quality control UR Exhibits may be delegated to the chief and deputy chief of the quality control division of the AFPRO's, APD's, and AF field procurement offices not directly under the jurisdiction of an APD, except as may be otherwise designated. The use of the extended authority will require administrative review by the AMA or depot director of logistics support management, or chief, quality control office, as appropriate, for justification and sufficiency of all requests for release of UR Exhibits to a contractor; adherence to the requirements contained herein; and inclusion of record of shipment or other disposition of the exhibits in the MIP file.

2. In B-206, paragraphs (c) and (d) are revised as follows:

B-206 *Segregation or commingling of Government property and contractor's property.*

* * * * *

(c) In connection with research and development contracts involving profit or fee, the administrative contracting officer may permit commingling upon the written approval of Industrial Property Staff Branch (MCPPCI), Hq AMC. Approval will be granted on a case by case basis, where it can be demonstrated through the exercise of inventory controls, including the equitable apportionment of inventory losses, that such action is advantageous to the Government.

(d) Any other commingling may be permitted by the administrative contracting officer upon the written approval of MCPPCI, Hq AMC. Approval will be granted on a case by case basis, where it can be demonstrated through the exercise of inventory controls, including the equitable apportionment of inventory losses, that such action is advantageous to the Government.

PART IV—MISCELLANEOUS PROVISIONS

1. B-401, and B-401.1 are revised as follows:

B-401 *Identification and commodity classification; marking.*

B-401.1 *Identification.* See § 30.2, B-401.1, of this title.

(a) *Extent of identification.* (1) See § 30.2, B-401-1(a) of this title.

(2) The method of marking and identifying Government-owned special tooling will be agreed to by the contractor and the administrative contracting officer (ACO). The contractor will be responsible for determining whether or not the marking will damage the tooling or is otherwise impracticable. The contractor will advise the ACO, in writing, of any such determination.

(3) Plant equipment, other than that included within the Departmental Industrial equipment reserve program, will be assigned an identification number and marked according to a system of identification and marking as agreed to by the contractor and ACO, provided the system conforms to the requirements of the Manual. Numbers and tags will be permanent and will not be changed as long as the equipment remains under the control of the Air Force, however, such mark-

ings will be removed prior to sale, scrapping, or transfer of funding and control responsibilities to other military departments.

(4) See § 30.2, B-401.1(a) of this title.

(b) *Recording identification numbers.* See § 30.2, B-401.1(b) of this title.

2. B-401.2 is added as follows:

B-401.2 *Commodity classification.* When codes for specific items of metalworking machinery of the types covered by Federal Supply Classification 3411 through 3419 and 3441 through 3449, having an acquisition cost of \$500 or more, are not shown in the current directory of metalworking machinery, or in the supplemental commodity classification codes furnished by Headquarters, Warner-Robins Air Material Area, a request for a code number will be initiated. Requests will be submitted through the Commander, Warner-Robins Air Materiel Area, attn: WRU, who in turn, will forward four copies to the Armed Forces Supply Support Center, attn: Cataloging Division, Classification and Codes Branch, Industrial Production Equipment Directories Section, Washington 25, D.C. Report exemption symbol DD-S&L(EX) 67 has been assigned to the requirements of this section.

(a) All requests will be submitted on DD Form 819, "Request for Complete Standard Commodity Classification Code." Five copies of the form will be submitted to WRU.

(b) Requests for new codes will contain, as a minimum, the type of information listed in the published code books, as follows:

(1) Name of manufacturer and his address. Care will be taken to assure that the manufacturer's name is used and not the name of a distributor. In many instances the distributor places his own name plate on the equipment in such a prominent manner that it can easily be mistaken for the manufacturer's name plate. In case of doubt, both names will be indicated with an explanation.

(2) Complete description of the machine from the manufacturer's name and data plates, plus any additional description which will help the coding personnel identify the equipment.

(i) Indication of general, single, or special purpose.

(ii) Model, class, subclass type, subtypes, specific size and/or capacity, using the information in the code books for similar items as a guide.

(iii) Electrical characteristics. The electrical power which must be supplied to the equipment.

(iv) Power or manually operated, if power operated, the type of power.

(v) If equipment is special or single purpose, include a description of the end item produced, including an unrestricted print.

(c) If the actual size or capacity of a specific machine does not fall within size and capacity groupings, as contained in the code manuals, a new commodity classification code will be requested. (As example: The capacity of a specific machine may be 6-12 tons, while the code manuals may group the capacities as 5-10, 10-15, etc.)

(d) Manufacturer's specification sheets, brochures, and catalogs may be used to secure the data necessary for establishing codes. If brochures, specification sheets, and catalogs cannot be secured, descriptive data relative to sizes and capacities will be based upon actual measurements and photographs of the equipment with sufficient views to clearly indicate type and use of the equipment will be furnished.

(e) In event procurement lead time does not permit obtaining a code in advance of placement of the purchase order, the proper code will be obtained subsequent to such action. However, this must be accomplished in sufficient time to have the code placed on the machine by the manufacturer prior to delivery.

B. Section 1030.3 *Appendix C*, is amended as follows:

1. Appendix C, C-305 is added as follows:

C-305 *Receipting for Government property*. See § 30.3, Appendix C, C-305 of this title.

2. C-306, paragraphs (a) and (b) are redesignated (d) and (e) and new paragraphs (a)-(c) are added as follows:

C-306 *Property control records*. (a)-(c) see § 30.3, C-306 of this title.

3. Sections C-307 and C-307.1 are added as follows:

C-307 *Identification and commodity classification; marking*.

C-307.1 *Identification*. See § 30.3, Appendix C, C-307.1 of this title.

(a) *Extent of identification*. (i) and (ii) see § 30.3, Appendix C, C-307.1 (i) and (ii) of this title.

(iii) Plant equipment other than that included within the departmental industrial equipment reserve program, will be assigned an identification number and marked according to a system of identification and marking as agreed to by the contractor and administrative contracting officer provided the system conforms to the requirements of the manual. Numbers and tags will be permanent and will not be changed so long as the equipment remains under the control of the Air Force. When plant equipment is provided to contractors and is marked and identified in substantial compliance with the requirements of the manual, it will not be required that such markings be changed or altered.

(iv) See § 30.3, Appendix C-307.1(iv) of this title.

(b) *Recording identification numbers*. See § 30.3, Appendix C, C-307.1(b) of this title.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

[SEAL] CHARLES M. McDERMOTT,
Colonel, U.S. Air Force, Deputy
Director of Administrative
Services.

[F.R. Doc. 59-7228; Filed, Aug. 28, 1959;
8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. E]

PART 205—PURCHASE OF WARRANTS

State of Hawaii

1. Effective August 21, 1959, paragraph (b) of § 205.2 is amended to read as follows:

(b) The term "municipality" shall be construed to mean "State, county, district, political subdivision, or municipality in the States of the United States and the District of Columbia, including irrigation, drainage, and reclamation districts."

2a. The purpose of this amendment is to clarify this part as Hawaii has become

a State and the term "the continental United States" as now defined by 12 U.S.C. 221 means the States of the United States and the District of Columbia.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or applies sec. 14, 38 Stat. 264, as amended; 12 U.S.C. 355, 361)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59-7186; Filed, Aug. 28, 1959;
8:46 a.m.]

[Reg. G]

PART 207—COLLECTION OF NONCASH ITEMS

State of Hawaii

1. Effective August 21, 1959, footnote 1 to § 207.1 is amended to read as follows:

¹For the purposes of this part, any dependency, insular possession or part of the United States outside the States of the United States and the District of Columbia shall be deemed to be in or of such Federal Reserve district as the Board of Governors may designate.

2. Effective August 21, 1959, § 207.51 is deleted.

3a. The purpose of these amendments is to clarify this part as Hawaii has become a State and the term "the continental United States" as now defined by 12 U.S.C. 221 means the States of the United States and the District of Columbia.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply secs. 13, 16, 38 Stat. 263, 265, as amended; 12 U.S.C. 248(o), 342, 360)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59-7187; Filed, Aug. 28, 1959;
8:47 a.m.]

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

State of Hawaii

1. Effective August 21, 1959, footnote 1 to paragraph (a) of § 208.1 is amended to read as follows:

¹Under the provisions of section 19 of the Federal Reserve Act, national banks and banks organized under local laws, located in a dependency or insular possession or any part of the United States outside of the States of the United States and the District of Columbia are not required to become members of the Federal Reserve System but may, with the consent of the board, become members of the System. However, this Part 208 is applicable only to the admission of banks eligible for admission to membership under section 9 of the Federal Reserve Act and does not cover the admission of banks eligible under section 19 of the Act. Any bank desiring to be admitted to the System under the provisions of section 19 should communicate with the Federal Reserve Bank with which it desires to do business.

2a. The purpose of this amendment is to clarify this part as Hawaii has become a State and the term "the continental United States" as now defined by 12 U.S.C. 221 means the States of the United States and the District of Columbia.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply sec. 9, 38 Stat. 259, as amended, 49 Stat. 715, 64 Stat. 873; 12 U.S.C. 321-338, 486, 1814(b), 1816)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59-7188; Filed, Aug. 28, 1959;
8:47 a.m.]

[Reg. I]

PART 209—ISSUE AND CANCELLATION OF CAPITAL STOCK OF FEDERAL RESERVE BANKS

State of Hawaii

1. Effective August 21, 1959, footnote 1 to § 209.1 is amended to read as follows:

¹Under the provisions of section 19 of the Federal Reserve Act, national banks located in a dependency or insular possession or any part of the United States outside of the States of the United States and the District of Columbia are not required to become members of the Federal Reserve System but may, with the consent of the Board, become members of the System. Any such bank

desiring to be admitted to the System under the provisions of section 19 should communicate with the Federal Reserve Bank with which it desires to do business.

2. a. The purpose of this amendment is to clarify this part as Hawaii has become a State and the term "the continental United States" as now defined by 12 U.S.C. 221 means the States of the United States and the District of Columbia.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(1), 38 Stat. 262; 12 U.S.C. 248(1). Interpret or apply secs. 2, 5, 6, 9, 38 Stat. 251, 257, 258, 259, as amended; 12 U.S.C. 282, 286-288, 321, 323, 327, 328, 333)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59-7189; Filed, Aug. 28, 1959;
8:47 a.m.]

[Reg. J]

PART 210—CHECK CLEARING AND COLLECTION

State of Hawaii

1. Effective August 21, 1959, footnote 1 to § 210.3 is amended to read as follows:

¹For the purposes of this part, any dependency, insular possession or part of the United States outside the States of the United States and the District of Columbia shall be deemed to be in or of such Federal Reserve district as the Board of Governors may designate.

2. Effective August 21, 1959, § 210.51 is deleted.

3. a. The purpose of these amendments is to clarify this part as Hawaii has become a State and the term "the continental United States" as now defined by 12 U.S.C. 221 means the States of the United States and the District of Columbia.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(1), 38 Stat. 262; 12 U.S.C. 248(1). Interpret or apply secs. 13, 16, 38 Stat. 263, 265, as amended; 12 U.S.C. 248(o), 342, 360)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59-7190; Filed, Aug. 28, 1959;
8:47 a.m.]

[Reg. L]

PART 212—INTERLOCKING BANK DIRECTORATES UNDER THE CLAYTON ACT

State of Hawaii and Philippine Islands

1. Effective August 21, 1959, footnote 3(b) to paragraph (b) of § 212.2 is amended to read as follows:

3(b) Banking institutions organized under the laws of territories, dependencies, or insular possessions of the United States, such as Puerto Rico, or the Canal Zone, and not organized under the National Bank Act; and

2a. The purpose of this amendment is to eliminate the Philippine Islands and Hawaii from this footnote since neither is now a territory, dependency, or insular possession of the United States.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 8, 38 Stat. 732, as amended; 15 U.S.C. 19. Interprets or applies secs. 7, 8, and 11, 38 Stat. 732, 734, and 736, as amended; 15 U.S.C. 18, 19, and 21)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59-7191; Filed, Aug. 28, 1959;
8:47 a.m.]

[Reg. U]

PART 221—LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

State of Hawaii

1. Effective August 21, 1959, paragraph (i) of § 221.2 is amended to read as follows:

(i) Any loan made outside of the States of the United States and the District of Columbia;

2a. The purpose of this amendment is to extend this part to include Hawaii by eliminating reference to a specific number of States of the United States.

b. The notice, public participation, and deferred effective date described in sec-

tion 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 23, 48 Stat. 901, as amended; 15 U.S.C. 78w. Interpret or apply secs. 3, 7, 17, 48 Stat. 882, 886, 897; 15 U.S.C. 78c, 78g, 78q)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59-7192; Filed, Aug. 28, 1959;
8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-NY-3a]

[Amdt. 18]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 19]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway, Associated Control Areas and Redesignation of Designated Reporting Points

On June 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 4964) stating that the Federal Aviation Agency was considering an amendment to §§ 600.221, and 601.221 of the regulations of the Administrator which would revoke the segment of Red Federal airway No. 21, and its associated control areas, from Bridgeport, Conn., to Hartford, Conn.

Red Federal airway No. 21, presently extends from New York, N.Y., to Boston, Mass. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed only two aircraft movements for the airway segment under consideration. On the basis of this survey, it appeared that retention of this airway segment, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in public interest. Such revocation would result in Red Federal airway No. 21, and its associated control areas, extending from New York, N.Y., to Bridgeport, Conn., and New London, Conn., to Boston, Mass. Although not mentioned in the Notice, the revocation

of this segment of Red Federal airway No. 21 would involve the redesignation of § 601.4221 of the regulations of the Administrator which relates to the designated reporting points for this airway.

Written comment concerning the proposed amendments was generally favorable, except for one, which objected in principle to the revocation of only a segment of an airway. The Federal Aviation Agency agrees that it would be preferable to revoke an entire airway in one action, but only when it is justified because of the lack of sufficient air traffic or other considerations. However, as a general matter, the Agency feels that the public interest will best be served by releasing controlled airspace whenever the facts warrant.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.221 (14 CFR, 1958 Supp., § 600.221) and §§ 601.221, 601.4221 (14 CFR, 1958 Supp., §§ 601.221, 601.4221) are amended as follows:

1. Section 600.221 *Red Federal airway No. 21 (New York, N.Y., to Boston, Mass.)*:

a. In the caption delete "(New York, N.Y., to Boston, Mass.)" and substitute therefor "(New York, N.Y., to Bridgeport, Conn., and New London, Conn., to Boston, Mass.)"

b. In the text delete "via the Bridgeport, Conn., radio range station to the intersection of the northeast course of the Bridgeport, Conn., radio range and the southeast course of the Hartford, Conn., radio range." and substitute therefor "to the Bridgeport, Conn., R.R."

2. In the caption of § 601.221 *Red Federal airway No. 21 control areas (New York, N.Y., to Boston, Mass.)*, delete "*Red Federal airway No. 21 control areas (New York, N.Y., to Boston, Mass.)*" and substitute therefor "*Red Federal airway No. 21 control areas (New York, N.Y., to Bridgeport, Conn., and New London, Conn., to Boston, Mass.)*"

3. In the caption of § 601.4221 *Red Federal airway No. 21 (New York, N.Y., to Boston, Mass.)*, delete "(New York, N.Y., to Boston, Mass.)" and substitute therefor "(New York, N.Y., to Bridgeport, Conn., and New London, Conn., to Boston, Mass.)"

These amendments shall become effective 0001 e.s.t. October 22, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 24, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-7183; Filed, Aug. 28, 1959; 8:46 a.m.]

No. 170—6

[Airspace Docket No. 59-NY-3b]

[Amdt. 19]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 20]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas, Designated Reporting Points, and Redesignation of Control Area Extension

On June 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 4965) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Red Federal airway No. 112, and its associated control areas.

As stated in the Notice, Red Federal airway No. 112 presently extends from Albany, N.Y., to Westfield, Mass. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed only four aircraft movements on this airway. On the basis of this survey, it appeared that the retention of this airway, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Although not mentioned in the Notice, the revocation of Red Federal airway No. 112 would also involve the revocation of § 601.4312 of the regulations of the Administrator, which relates to the designated reporting points for this airway. Moreover, Red Federal airway No. 112 is also used to describe the boundaries of the Chicopee Falls, Mass. control area extension. The revocation of this airway would necessitate the redesignation of the Chicopee Falls, Mass., control area extension boundaries by reference to VOR Federal airways.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

§ 600.312 [Revocation]

1. Section 600.312 *Red Federal airway No. 112 (Albany, N.Y., to Westfield, Mass.)* is revoked.

§ 601.312 [Revocation]

2. Section 601.312 *Red Federal airway No. 112 control areas (Albany, N.Y., to Westfield, Mass.)* is revoked.

§ 601.4312 [Revocation]

3. Section 601.4312 *Red Federal airway No. 112 (Albany, N.Y., to Westfield, Mass.)* is revoked.

4. Section 601.1064 is amended to read:

§ 601.1064 Control area extension (Chicopee Falls, Mass.).

That airspace bounded on the north by VOR Federal airway No. 2, on the northeast by VOR Federal airway No. 151, on the southeast by VOR Federal airway No. 3, on the south by a line extending from a point at latitude 42°08'50", longitude 72°28'00" to a point at latitude 42°04'30", longitude 72°11'30", on the southwest by VOR Federal airway No. 203, and on the northwest by an arc 38 statute miles in radius centered on the Westover, Mass. Air Force Base and lying between VOR Federal airways Nos. 2 and 203, excluding that airspace below 2,500 feet MSL.

These amendments shall become effective 0001 e.s.t., October 22, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 24, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-7182; Filed, Aug. 28, 1959; 8:46 a.m.]

[Airspace Docket No. 59-NY-3c]

[Amdt. 20]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 21]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas, Designated Reporting Points and Control Area Extension

On June 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 4965) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Blue Federal airway No. 17, and its associated control areas.

Blue Federal airway No. 17 extends from Bangor, Maine, to Presque Isle, Maine. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 showed only two aircraft movements on this airway. On the basis of this survey it appeared that the retention of this airway, its associated control areas, and reporting points, was unjustified.

fied and that revocation thereof would be in the public interest. Although not mentioned in the Notice, the revocation of Blue Federal airway No. 17 would involve the revocation of § 601.4617 of the regulations of the Administrator which relates to the designated reporting points for this airway. Moreover, the revocation of the airway eliminates the need for the Presque Isle control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

1. Section 600.617 *Blue Federal airway No. 17 (Bangor, Maine, to Presque Isle, Maine)* is revoked.

2. Section 601.617 *Blue Federal airway No. 17 control areas (Bangor, Maine, to Presque Isle, Maine)* is revoked.

3. Section 601.4617 *Blue Federal airway No. 17 (Bangor, Maine, to Presque Isle, Maine)* is revoked.

4. Section 601.1045 *Control area extension (Presque Isle, Maine)* is revoked.

These amendments shall become effective 0001 e.s.t. October 22, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 24, 1959.

D. D. THOMAS,
Director,

Bureau of Air Traffic Management.

[F. R. Doc. 59-7181; Filed, Aug. 28, 1959; 8:46 a.m.]

[Airspace Docket No. 59-NY-3d]

[Amdt. 21]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 22]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Designated Reporting Points

On June 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 4966) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Blue Federal airway No. 53, and its associated control areas.

Blue Federal airway No. 53 presently extends from Providence, R.I., to Hartford, Conn. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed only five air-

craft movements on this airway. On the basis of this survey, it appeared that retention of this airway, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Although not mentioned in the Notice, revocation of Blue Federal airway No. 53 would involve the revocation of § 601.4653 of the regulations of the Administrator which relates to the designated reporting points for the airway.

No adverse comment was received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 SUPP., Parts 600, 601) are amended as follows:

1. Section 600.653 *Blue Federal airway No. 53 (Providence, R.I., to Hartford, Conn.)* is revoked.

2. Section 601.653 *Blue Federal airway No. 53 control areas (Providence, R.I., to Hartford, Conn.)* is revoked.

3. Section 601.4653 *Blue Federal airway No. 53 (Providence, R.I., to Hartford, Conn.)* is revoked.

These amendments shall become effective 0001 e.s.t. October 22, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 24, 1959.

D. D. THOMAS,
Director,

Bureau of Air Traffic Management.

[F.R. Doc. 59-7180; Filed, Aug. 28, 1959; 8:46 a.m.]

[Airspace Docket No. 59-NY-3f]

[Amdt. 22]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 23]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Designated Reporting Points

On June 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 4967) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Red Federal airway No. 86, and its associated control areas.

Red Federal airway No. 86 presently extends from Millinocket, Maine, to Houlton, Maine. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed no aircraft movements on this airway. On the basis

of this survey, it appeared that the retention of this airway, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Although not mentioned in the Notice, the revocation of Red Federal airway No. 86 would also involve the revocation of § 601.4286 of the regulations of the Administrator, which relates to the designated reporting points for the airway.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

1. Section 600.286 *Red Federal airway No. 86 (Millinocket, Maine, to Houlton, Maine)* is revoked.

2. Section 601.286 *Red Federal airway No. 86 control areas (Millinocket, Maine, to Houlton, Maine)* is revoked.

3. Section 601.4286 *Red Federal airway No. 86 (Millinocket, Maine, to Houlton, Maine)* is revoked.

These amendments shall become effective 0001 e.s.t. October 22, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 24, 1959.

D. D. THOMAS,
Director,

Bureau of Air Traffic Management.

[F.R. Doc. 59-7179; Filed, Aug. 28, 1959; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7016 o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Basic Books, Inc., et al.

Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1625 *Free goods or services*; § 13.1663 *Individual's special selection or situation*; § 13.1747 *Special or limited offers*;¹ § 13.1757 *Surveys*;¹ [Misrepresenting oneself and goods]—Prices: § 13.1825 *Usual as reduced or to be increased*.

(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, Basic Books, Inc., et al., Chicago, Ill., Docket 7016, July 17, 1959]

In the Matter of Basic Books, Inc., a Corporation, and Leonard Davidow, Nathan Landy and Herman A. Fischer, Individually and as Officers of Said Corporation

This case was heard by a hearing examiner on the complaint of the Commis-

¹ New.

sion charging Chicago distributors of sets of reference books designated "Universal World Reference Encyclopedia", yearly supplements thereof, and other books, through house-to-house canvassers, with representing falsely through their said agents that they were making surveys; that they were making an introductory offer for advertising purposes and giving a set of books free to specially selected persons; that the encyclopedia was given free with purchase of the yearly supplements; that certain other books, selected by the customer, were given free with the purchase of the encyclopedia and supplements; and that the offering price for the combined books was reduced and for a limited time only.

After the usual proceedings, the hearing examiner made his initial decision, from which and from certain rulings respondents appealed. Having considered the matter, the Commission modified the order to dismiss the complaint as to one respondent as an individual but not as an officer of respondent corporation and, on July 17, adopted the initial decision as thus modified as its own decision.

The order to cease and desist is as follows:

It is ordered, That respondent Basic Books, Inc., a corporation, and its officers, and Leonard Davidow and Nathan Landy, as officers of respondent 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 books or other publications, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That respondents, or any of them, are engaged in making surveys for any purpose;
2. That the offer of sale of respondents' books is an introductory offer or is made for advertising purposes;
3. That any of respondents' books are given free to selected persons, or to any other persons, as an introductory offer or for advertising purposes or for any other reason;
4. That prospective purchasers of any books sold by respondents are specially selected;
5. That the Universal World Reference Encyclopedia or any similar publication sold by respondents is given free by respondents with the purchase of any yearly supplement or supplements thereto;
6. That books, or any other publications of respondents or other things of value selected by a purchaser in connection with the purchase of the said encyclopedia and its yearly supplements are given free to such purchasers;
7. That any price at which respondents' books or other publications are offered for sale is a reduced price, unless it is based upon and less than the price at which such books or other publications are regularly and usually sold by respondents;

8. That respondents' offer of books or other publications at a reduced price is limited as to time.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Herman A. Fischer in his individual capacity but not in his capacity as an officer of respondent Basic Books, Inc., a corporation.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after the 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 the order to cease and desist contained in the initial decision as modified.

Issued: July 17, 1959.

By the Commission.

[SEAL]

ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-7193; Filed, Aug. 28, 1959;
8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter I—Federal Procurement Regulations

PART 1-6—FOREIGN PURCHASES

PART 1-16—PROCUREMENT FORMS

Buy American Act—Construction Contracts

Add new Subpart 1-6.2, to read as follows:

Subpart 1-6.2—Buy American Act—Construction Contracts

Sec.	Scope.
1-6.200	Scope.
1-6.201	Definitions.
1-6.202	Buy American policy.
1-6.202-1	General.
1-6.202-2	Determining domestic construction material.
1-6.202-3	Noting exceptions and findings.
1-6.203	Unreasonable cost determination.
1-6.203-1	General.
1-6.203-2	Cost computation.
1-6.203-3	Deviations by agency head.
1-6.203-4	Small business.
1-6.204	Invitation provision.
1-6.205	Contract clause.
1-6.206	Violations.

Subpart 1-6.2—Buy American Act—Construction Contracts

§ 1-6.200 Scope.

This subpart implements the Buy American Act (41 U.S.C. 10a-10d) and the policies set forth in Executive Order 10582, December 17, 1954 (3 CFR Supp.), with respect to construction contracts. This subpart does not apply to construction contracts (a) executed on Standard Form 19, Invitation, Bid, and Award (Construction, Alteration, or Repair) (small-amount construction contract form), or (b) not involving appropriated funds.

§ 1-6.201 Definitions.

As used in this subpart, the following definitions apply:

(a) "Construction" means construction, alteration, or repair of any public building or public work.

(b) "Construction material" means any article, material, or supply brought to the construction site for incorporation in the building or work.

(c) "Component" means any article, material, or supply directly incorporated in construction material.

(d) "Domestic construction material" means an unmanufactured construction material which has been mined or produced in the United States, or a manufactured construction material which has been manufactured in the United States if the cost of its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components.

(e) "Nondomestic construction material" means a construction material other than a domestic construction material.

(f) "United States" means the States, the District of Columbia, Puerto Rico, American Samoa, the Canal Zone, the Virgin Islands, and any other place subject to its jurisdiction. It also includes Panama with respect to construction material purchased for use in the Canal Zone.

§ 1-6.202 Buy American policy.

§ 1-6.202-1 General.

Only domestic construction material shall be used in the performance of contracts for construction in the United States made by executive agencies, except for particular material as to which it is determined:

(a) By the agency head, that to make such requirement is impracticable;

(b) In accordance with agency procedures, that domestic construction material is unavailable in sufficient and reasonably available commercial quantities and of a satisfactory quality; or

(c) In accordance with section 1-6.203, that to make such requirement would unreasonably increase the cost.

§ 1-6.202-2 Determining domestic construction material.

In determining whether a construction material is a domestic construction material:

(a) Only the construction material and its components shall be considered.

(b) A component shall be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the construction material in which it is incorporated is manufactured in the United States and the component is of a class or kind determined by the agency concerned to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

§ 1-6.202-3 Noting exceptions and findings.

Exceptions for nondomestic construction material because use of particular domestic construction material would be impracticable or would unreasonably increase the cost or because domestic construction material is unavailable shall be noted in the contract. Findings justify-

ing such exceptions shall be made a matter of public record.

§ 1-6.203 Unreasonable cost determination.

§ 1-6.203-1 General.

A determination shall be made that the use of domestic construction material would unreasonably increase the cost where, with respect to each particular construction material:

(a) A bid or proposal offers nondomestic construction material (not listed as excepted in the invitation for bids or request for proposals), the cost of which, plus 6 percent thereof, is less than the cost of comparable domestic construction material; and

(b) That bid or proposal offers the lowest price of any received, after adding to each bid or proposal, for evaluation purposes, 6 percent of the cost of all nondomestic construction material, which qualifies under paragraph (a) above, offered in each bid or proposal.

§ 1-6.203-2 Cost computation.

The cost of construction material shall be computed as including all costs of delivery to the construction site. The cost of nondomestic construction material shall also include any applicable duty. Computations shall be based on costs on the date of opening of bids or proposals.

§ 1-6.203-3 Deviations by agency head.

Deviations from the requirements of section 1-6.203-1 may be authorized by the agency head in accordance with section 1-1.009 of this chapter, the Buy American Act, and Executive Order 10582.

§ 1-6.203-4 Small business.

Nothing in section 1-6.203-1 shall affect the authority or responsibility of an executive agency to place a fair proportion of its total contracts with small business concerns.

§ 1-6.204 Invitation provision.

Invitations for bids and requests for proposals for affected construction work shall include the following provision:

INFORMATION REGARDING BUY AMERICAN ACT

(a) The Buy American Act (41 U.S.C. 10a-10d) generally requires that only domestic construction material be used in the performance of this contract. (See the clause entitled "Buy American" in Standard Form 23A, General Provisions, Construction Contracts.) This requirement does not apply to the following construction material or components: [List the excepted construction material or components]

(b) (1) Furthermore, bids or proposals offering use of additional nondomestic construction material may be acceptable for award if the Government determines that use of comparable domestic construction material is impracticable or would unreasonably increase the cost or that domestic construction material (in sufficient and reasonably available commercial quantities and of a satisfactory quality) is unavailable. Reliable evidence shall be furnished justifying such use of additional nondomestic construction material.

(2) Where it is alleged that use of domestic construction material would unreasonably increase the cost:

(i) Data shall be included, based on a reasonable canvass of suppliers, demonstrat-

ing that the cost of each such domestic construction material would exceed by more than 6 percent the cost of comparable nondomestic construction material. (All costs of delivery to the construction site shall be included, as well as any applicable duty.)

(ii) For evaluation purposes, 6 percent of the cost of all additional nondomestic construction material, which qualifies under paragraph (i) above, will be added to the bid or proposal.

(3) When offering additional nondomestic construction material, bids or proposals may also offer, at stated prices, any available comparable domestic construction material, so as to avoid the possibility that failure of a nondomestic construction material to be acceptable, under (1) above, will cause rejection of the entire bid.

§ 1-6.205 Contract clause.

Contracts for affected construction work shall include the following clause:

BUY AMERICAN

(a) Agreement. In accordance with the Buy American Act (41 U.S.C. 10a-10d) and Executive Order 10582, December 17, 1954 (3 CFR Supp.), the Contractor agrees that only domestic construction material will be used (by the Contractor, subcontractors, materialmen, and suppliers) in the performance of this contract, except for nondomestic material listed in the contract.

(b) Domestic construction material. "Construction material" means any article, material, or supply brought to the construction site for incorporation in the building or work. An unmanufactured construction material is a "domestic construction material" if it has been mined or produced in the United States. A manufactured construction material is a "domestic construction material" if it has been manufactured in the United States and if the cost of its components which have been mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. "Component" means any article, material, or supply directly incorporated in a construction material.

(c) Domestic component. A component shall be considered to have been "mined, produced, or manufactured in the United States" (regardless of its source in fact) if the article, material, or supply in which it is incorporated was manufactured in the United States and the component is of a class or kind determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

§ 1-6.206 Violations.

If the head of the agency concerned finds there has been a failure to comply with the Buy American provisions of the contract, he shall make public his findings and no other contract for the construction, alteration, or repair of any public building or public work in the United States or elsewhere shall be awarded, as provided in the Buy American Act, to the contractor, subcontractors, materialmen, or suppliers with which the contractor is associated or affiliated, for a period of 3 years after such finding is made public. (For debarment procedures, see Subpart 1-1.6.)

Subpart 1-16.4—Forms for Advertised Construction Contracts

Section 1-16.404-1 (Revision of Standard Form 23A) is revised by adding paragraph (d), as follows:

(d) Substitute the Buy American clause in section 1-6.205 for clause 17 (Buy American Act).

Effective date. These regulations are effective November 15, 1959, but may be observed earlier.

(Sec. 205(c), 63 Stat. 390, sec. 3, 47 Stat. 1520; 40 U.S.C. 486(c), 41 U.S.C. 10b; E.O. 10582, Dec. 17, 1954, 3 CFR Supp.)

Dated: July 24, 1959.

FRANKLIN FLOËTE,

Administrator of General Services.

[F.R. Doc. 59-6336; Filed, Aug. 28, 1959; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter 1—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1956]

[747197]

CALIFORNIA

Partially Revoking Stock Driveway Withdrawal No. 192

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of July 31, 1928, which established Stock Driveway Withdrawal No. 192, is hereby revoked so far as it affects the following-described land:

MOUNT DIABLO MERIDIAN

T. 22 N., R. 17 E.,
Sec. 17, N½.

The area described contains 320 acres.

2. The State of California has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The land is located about two miles south of the community of Reno Junction, California and 25 miles northwest of Reno, Nevada. Vegetation is principally brush type with fair mixed grass understory.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and the regulations in 43 CFR will be received at once by the Manager named below. Priorities in the consideration of such applications will be recognized as follows:

(1) Applications under the homestead, desert land and small tract laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284), as amended, filed at or before 10:00 a.m. on September 29, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right ap-

plications after that hour and before 10:00 a.m. on December 29, 1959, will be governed by the time of filing.

(2) All valid applications under the nonmineral public land laws other than those coming under subparagraph (1) above, presented prior to 10:00 a.m. on December 29, 1959, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

(3) All applications under subparagraphs (1) and (2) above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing laws, and equitable claims subject to allowance and confirmation.

b. The lands have been open to applications and offers under the mineral-leasing laws and to location under the United States mining laws pursuant to the regulations in 43 CFR 185.35.

5. Persons claiming preferential consideration must submit evidence of their entitlement.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 24, 1959.

[F.R. Doc. 59-7199; Filed, Aug. 28, 1959;
8:49 a.m.]

[Public Land Order 1957]

[667971]

WASHINGTON

Revoking Departmental Orders of April 23, 1918, and March 1, 1919, Which Withdrew Lands for Stock Driveway Purposes

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 862; 43 U.S.C. 300), it is ordered as follows:

1. The Departmental order of April 23, 1918, which temporarily withdrew the public lands in the hereinafter described areas pending determination as to the necessity and advisability of reserving them for stock driveway purposes, and the Departmental order of March 1, 1919, which withdrew the public lands in the hereinafter described areas for use by the general public as stock driveways, are hereby revoked:

WILLAMETTE MERIDIAN

(a) Order of April 23, 1918

T. 23 N., R. 24 E.,

Sec. 24.

T. 25 N., R. 25 E.,

Sec. 12.

T. 25 N., R. 26 E.,

Secs. 6 and 7.

(b) Order of March 1, 1919

T. 13 N., R. 21 E.,

Sec. 12, NE $\frac{1}{4}$;

Sec. 24, E $\frac{1}{2}$.

T. 14 N., R. 21 E.,

Sec. 10, W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 22, W $\frac{1}{2}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 26, NW $\frac{1}{4}$ and S $\frac{1}{2}$.

T. 15 N., R. 21 E.,

Sec. 4, E $\frac{1}{2}$;

Sec. 10, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 22, E $\frac{1}{2}$;

Sec. 34, W $\frac{1}{2}$.

T. 16 N., R. 21 E.,

Sec. 18, N $\frac{1}{2}$ and SE $\frac{1}{4}$;

Sec. 20, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 28.

T. 13 N., R. 22 E.,

Sec. 6, lot 4;

Sec. 20, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;

Sec. 22, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$;

Sec. 24, S $\frac{1}{2}$ S $\frac{1}{2}$;

Sec. 26, N $\frac{1}{2}$;

Sec. 28, N $\frac{1}{2}$;

Sec. 30, N $\frac{1}{2}$ N $\frac{1}{2}$.

T. 14 N., R. 22 E.,

Sec. 30, lots 3 and 4.

T. 12 N., R. 23 E.,

Sec. 2;

Sec. 12, N $\frac{1}{2}$ N $\frac{1}{2}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 14, N $\frac{1}{2}$.

T. 13 N., R. 23 E.,

Sec. 28, S $\frac{1}{2}$;

Sec. 30, lots 1, 3, and 4, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ -

SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 32, N $\frac{1}{2}$ N $\frac{1}{2}$;

Sec. 34, NW $\frac{1}{4}$ and S $\frac{1}{2}$.

2. The lands are rough and mountainous, with shallow, rocky soil, precluding cultivation. Vegetation consists of annual and perennial grasses and weeds. The areas aggregate 10,920 acres.

3. Subject to any valid existing rights and the requirements of applicable law, the following-described public lands are hereby opened to filing of applications, selections, and locations in accordance with the provisions of this order:

WILLAMETTE MERIDIAN

T. 16 N., R. 21 E.,

Sec. 18, N $\frac{1}{2}$ and SE $\frac{1}{4}$.

T. 12 N., R. 23 E.,

Sec. 2;

Sec. 12, N $\frac{1}{2}$ N $\frac{1}{2}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 14, N $\frac{1}{2}$.

T. 23 N., R. 24 E.,

Sec. 24, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 25 N., R. 25 E.,

Sec. 12, lots 1, 4, 5, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 25 N., R. 26 E.,

Sec. 6, lot 3.

The areas described aggregate approximately 1,841 acres.

a. Applications and selections under the nonmineral public land laws and the regulations in 43 CFR will be received at once by the Manager named below. Priorities in the consideration of such applications will be recognized as follows:

(1) Until 10:00 a.m. on February 24, 1960, the State of Washington shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(2) Applications under the homestead, desert land and small tract laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284), as amended, filed at or before 10:00 a.m. on September 29, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right ap-

plications after that hour and before 10:00 a.m. on December 29, 1959, will be governed by the time of filing.

(3) All valid applications under the nonmineral public land laws other than those coming under subparagraphs (1) and (2) above, presented prior to 10:00 a.m. on December 29, 1959, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

(4) All applications under subparagraphs (1), (2), and (3) above, shall be subject to those from persons having prior valid settlement rights, preference rights conferred by existing law and equitable claims subject to allowance and confirmation.

4. The lands have been open to applications and offers under the mineral leasing laws and to locations under the United States mining laws.

5. Persons claiming preferential consideration must submit evidence of their entitlement.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 24, 1959.

[F.R. Doc. 59-7200; Filed, Aug. 28, 1959;
8:49 a.m.]

[Public Land Order 1958]

[4665]

UTAH

Revoking Air Navigation Site Withdrawal No. 244

By virtue of the authority contained in Section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of March 12, 1948, reserving lands for use of the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked:

SALT LAKE MERIDIAN

T. 22 S., R. 19 E.,

Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 10 acres.

2. The lands lie approximately five miles south of Crescent Junction, Utah. The topography is steep with shallow, rocky soil. The main vegetative cover is shadscale and an understory of galletta grass.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and the regulations in 43 CFR will be received at once by the Manager named below. Priorities in the consideration of such applications will be recognized as follows:

(1) Until 10:00 a.m. on February 24, 1960, the State of Utah shall have a

preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(2) Applications under the homestead, desert land and small tract laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284) as amended, filed at or before 10:00 a.m. on September 29, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour and before 10:00 a.m. on December 29, 1959, will be governed by the time of filing.

(3) All valid applications under the nonmineral public land laws other than those coming under subparagraphs (1) and (2) above, presented prior to 10:00 a.m. on December 29, 1959, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

(4) All applications under subparagraphs (1), (2) and (3) above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

b. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on February 24, 1960.

4. Persons claiming preferential consideration must submit evidence of their entitlement.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

ROGER ERNST,

Assistant Secretary of the Interior.

AUGUST 24, 1959.

[F.R. Doc. 59-7123; Filed, Aug. 28, 1959; 8:45 a.m.]

[Public Land Order 1959]

[81321]

[DA-130-Utah]

UTAH

Power Site Cancellation No. 133 Partly Revoking Power Site Classification No. 377

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31) and as Secretary of the Interior, it is ordered as follows:

1. The departmental order of April 10, 1946, classifying certain lands as Power Site Classification No. 377, is hereby cancelled so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 26 S., R. 22 E.,
Sec. 8: SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Containing 40 acres.

2. Until 10:00 a.m. on November 24, 1959, the lands shall be open only to application by the State of Utah, for the reservation to it or to any of its political subdivisions under any law or regulation applicable thereto, of any of the lands reserved for rights-of-way or materials sites in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended. The State has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. Other applications and selections under the nonmineral public-land laws and the regulations in 43 CFR will be received at once by the Manager named below. Preferences in the consideration of such applications will be recognized as follows:

a. Applications under the homestead, desert-land and small tract laws by veterans of World War II and the Korean Conflict and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284), as amended, filed at or before 10:00 a.m. on November 24, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour and before 10:00 a.m. on February 24, 1960, will be governed by the time of filing.

b. All valid applications under the nonmineral public land laws other than those coming under subparagraph (a) above, presented prior to 10:00 a.m. on February 24, 1960, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

c. All applications under subparagraphs (a) and (b) above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

Persons claiming preference rights must submit evidence of their entitlement.

The lands have been open to applications and offers under the mineral leasing laws and to location under the mining laws.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

ROGER ERNST,

Assistant Secretary of the Interior.

AUGUST 24, 1959.

[F.R. Doc. 59-7201; Filed, Aug. 28, 1959; 8:49 a.m.]

[Public Land Order 1960]

[Colorado 027843]

COLORADO

Withdrawing Lands for Use of the Forest Service as a Natural Area for Scientific Study and Observation

By virtue of the authority vested in the President by the act of June 4, 1897

(30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the San Juan National Forest in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposals of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604) as amended, and reserved for use by the Forest Service, Department of Agriculture, as a natural area for scientific study and observation:

NEW MEXICO PRINCIPAL MERIDIAN

NARRAGUINNEP NATURAL AREA

T. 40 N., R. 16 W.

Sec. 19, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 20;

Sec. 21, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 29, N $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 30, lots 2, 3, 4, E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 31, lots 1, 2, 3, 4, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

T. 39 N., R. 17 W.

Sec. 1, lots 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 2, lots 5, 6, 7, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, E $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 11, lots 1, 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 40 N., R. 17 W.

Sec. 25, lots 3, 4, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 35, lots 5, 7, and 8;

Sec. 36, lots 1, 2, 3, 4, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$.

The areas described aggregate 4,078.88 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,

Assistant Secretary of the Interior.

AUGUST 24, 1959.

[F.R. Doc. 59-7202; Filed, Aug. 28, 1959; 8:49 a.m.]

[Public Land Order 1961]

[Nevada 043896]

NEVADA

Reserving National Forest Lands for the Protection of Paleontological Fossils

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Toiyabe National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved under the

jurisdiction of the Secretary of Agriculture for the protection of paleontological fossils, in furtherance of the purposes and objectives of the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431):

MOUNT DIABLO MERIDIAN, NEVADA

- T. 12 N., R. 39 E., unurveyed,
- Sec. 27, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
- Sec. 28, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
- Sec. 33, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
- Sec. 34, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area contains 520 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 25, 1959.

[F.R. Doc. 59-7203; Filed, Aug. 28, 1959; 8:49 a.m.]

[Public Land Order 1962]

[Juneau 011469]

ALASKA

Reserving Lands for Use of National Park Service as Headquarters Site for Administration of the Sitka and Glacier Bay National Monuments; Partially Revoking Public Land Order No. 842 of June 19, 1952

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the National Park Service, Department of the Interior, as a headquarters site for the combined administration of the Sitka and Glacier Bay National Monuments:

INDIAN POINT-AUKE BAY AREA

- Beginning at Meander Corner No. 2, H.E.S. 120 (U.S. Survey 1370), thence:
- N. 28°06' E., 606.0 feet to Meander Corner No. 1, H.E.S. 120 (U.S. Survey 1370), thence
- N. 78°57' E., 500.0 feet;
- South, 1127.0 feet;
- S. 62°40' W., 589.5 feet to a point on the mean high water line of Auke Bay; thence along mean high water line;
- N. 1°52' W., 500.3 feet;
- N. 41°54' W., 358.9 feet to the point of beginning.

The tract described contains 16.71 acres.

2. Public Land Order No. 842 of June 19, 1952, which withdrew lands for classification is hereby revoked so far as it affects the lands described in paragraph 1 hereof.

3. This order shall not be construed to affect or to impair any rights or privileges the natives of the area may have to the use and enjoyment of their es-

tablished campsite on the south shore of Herring Cove in their customary manner.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 25, 1959.

[F.R. Doc. 59-7204; Filed, Aug. 28, 1959; 8:49 a.m.]

[Public Land Order 1963]

[69279]

ARIZONA

Modifying Recreational Withdrawal No. 21 of April 29, 1929

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights and to the provisions of any other existing withdrawals, the departmental order of April 29, 1929, which withdrew lands in Arizona as Recreational Withdrawal No. 21, as amended, is hereby modified to the extent necessary to permit locations and entries under the United States mining laws for the following-described lands:

GILA AND SALT RIVER MERIDIAN

- T. 13 S., R. 11 E.,
- Sec. 25, S $\frac{1}{2}$;
- Sec. 26, SE $\frac{1}{4}$.
- T. 13 S., R. 12 E.,
- Sec. 6;
- Sec. 7, E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$;
- Sec. 8;
- Sec. 17;
- Sec. 18, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
- Secs. 19 and 20;
- Sec. 29;
- Sec. 30, NE $\frac{1}{4}$ and S $\frac{1}{2}$;
- Sec. 31.
- T. 14 S., R. 12 E.,
- Sec. 5, N $\frac{1}{2}$;
- Sec. 6, NE $\frac{1}{4}$;
- Sec. 20, S $\frac{1}{2}$;
- Sec. 21, S $\frac{1}{2}$.

The areas described aggregate 7,600 acres.

2. This order shall be effective at 10:00 a.m. on September 30, 1959.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 25, 1959.

[F.R. Doc. 59-7205; Filed, Aug. 28, 1959; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

PART 20—DISASTER COMMUNICATIONS SERVICE

Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in Parts 12 and 20 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of No-

tice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), (5) (d) (1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 26th day of August 1959, that, effective August 31, 1959, Parts 12 and 20 are amended as set forth below.

Released: August 26, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 12 is amended as follows:

1. Section 12.20 is amended to delete the comma following the word "extra." As amended, § 12.20 reads as follows:

§ 12.20 Classes of amateur operator licenses.

- Amateur extra class.
- Advanced class (previously class A).
- General class (previously class B).
- Conditional class (previously class C).
- Technician class.
- Novice class.

2. Section 12.64(b) (5) is amended to read as follows:

§ 12.64 Location of station.

* * * * *

(b) * * *

(5) Means shall be provided at the remote control point immediately to suspend the radiation of the transmitter when there is any deviation from the terms of the station license or from the Amateur Radio Service rules.

3. Section 12.111(a) (5) is amended by deleting the word "subparagraph" and inserting in its place the word "paragraph". As amended, § 12.111(a) (5) reads as follows:

§ 12.111 Frequencies and types of emission for use of amateur stations.

(a) * * *

(5) The provisions of this paragraph shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

4. Section 12.132 is amended by deleting the word "license" and inserting in its place the word "licensee." As amended, § 12.132 reads as follows:

§ 12.132 Power supply to transmitter.

The licensee of an amateur station using frequencies below 144 megacycles shall use adequately filtered direct-current plate power supply for the transmitting equipment to minimize modulation from this source.

5. Section 12.136(b) is amended by enclosing the last two sentences of this paragraph in parenthesis. As amended, § 12.136(b) reads as follows:

§ 12.136 Logs.

(b) The signature of each licensed operator who manipulates the key of a radiotelegraph transmitter; the signature of each licensed operator who operates a transmitter of any other type; and the name of any person not holding an amateur operator license who either directly or by recording transmits by voice over a radiotelephone transmitter or operates a teleprinter keying a radiotelegraph transmitter. (The signature of the operator need only be entered once in the log, in those cases when all transmissions are made by or under the supervision of the signatory operator, provided a statement to that effect also is entered. The signature of any other operator who operated the station shall be entered in the proper space for that operator's transmission.)

6. That portion of § 12.156 preceding paragraph (a) is amended to read as follows:

§ 12.156 Operation in emergencies.

In the event of an emergency disrupting normally available communication facilities in any widespread area or areas, the Commission, in its discretion, may declare that a general state of communications emergency exists, designate the area or areas concerned, and specify the amateur frequency bands, or segments of such bands, for use only by amateurs participating in emergency communication within or with such affected area or areas. Amateurs desiring to request the declaration of such a state of emergency should communicate with the Commission's Engineer in Charge of the area concerned. Whenever such declaration has been made, operation of and with amateur stations in the area concerned shall be only in accordance with the requirements set forth in this section, but such requirements shall in no wise affect other normal amateur communication in the affected area when conducted on frequencies not designated for emergency operation.

7. That portion of § 12.193 preceding paragraph (a) is amended to read as follows:

§ 12.193 Operation during an alert.

During a CONELRAD Radio Alert the operation of all amateur radio stations, except stations in the Radio Amateur Civil Emergency Service (RACES) and stations specifically authorized otherwise, will be immediately discontinued until the Radio All Clear is issued. Stations in the RACES and such others as are specifically authorized to operate during the alert will conduct operation under the following restrictions.

8. Section 12.227(b) is amended to read as follows:

§ 12.227 Term of station authorization.

(b) Whenever, under rules contained in Subpart A of this part, modification of

the basic amateur station license becomes necessary, if such modification affects the information submitted with the original application for authorization in the Radio Amateur Civil Emergency Service, application for modification of the Radio Amateur Civil Emergency Service station authorization shall be submitted concurrently therewith.

9. Section 12.243 is amended by changing the words "the foregoing requirement" to read "the requirement of this paragraph" in the places these words appear in paragraphs (a) and (b). As amended, paragraphs (a) and (b) of § 12.243 read as follows:

§ 12.243 Availability of station authorizations and operator licenses.

(a) The original station authorization permitting operation of the licensed amateur station in the Radio Amateur Civil Emergency Service, or a photocopy thereof, shall be permanently attached to each transmitter of such station, including each transmitter which is capable of being operated and intended to be operated independently at different locations, if the transmitter is readily accessible, or, if the control position is located at a place other than the transmitter location, it may be posted at the control position: *Provided*, That, whenever a photocopy of the station authorization is utilized in compliance with the requirement of this paragraph, the original station authorization shall be made available for inspection upon reasonable request from any authorized representative of the Federal Government.

(b) The original radio operator license, or a verification card (FCC Form 758-F) in the case of the holder of a commercial radio operator license of the diploma type, of the operator controlling the emissions of a station authorized to be operated in this service together with the certification required by § 12.241(a), shall be carried on his person or kept immediately available at the place where he is operating the station or any independent unit of a station: *Provided*, That, whenever a verification card (FCC Form 758-F) is utilized in compliance with the requirement of this paragraph, the original operator license shall be made available for inspection upon reasonable request from an authorized representative of the Federal Government.

10. Section 12.244(a)(1) is amended by changing the words "the above items" in the second sentence to read "the items specified in this subparagraph." As amended, subparagraph (1) of § 12.244(a) reads as follows:

§ 12.244 Radio station log.

(a) * * *

(1) The name and address of the station licensee, the regularly assigned call sign of the station and unit number if any, the name of the radio amateur civil emergency network or networks in which the station is normally operated, and the d.c. plate power input to the vacuum tube or tubes supplying energy to the transmitting antenna system. This information need be entered only once in the log unless there is a change in any of the items specified in this sub-

paragraph, but the original entry and each change shall show the date on which the entry was made.

11. Appendix 1 is amended as follows:

a. The second paragraph of Appendix 1 is amended by adding Beaumont, Texas to the list of examination points, as follows:

Examinations are also given frequently, by appointment, at the Commission's offices at the following points:

Anchorage, Alaska.	San Diego, Calif.
Beaumont, Tex.	Savannah, Ga.
Juneau, Alaska.	Tampa, Fla.
Mobile, Ala.	

b. The list of annual examination points is amended by changing "Hilo, Hawaii, T.H." to "Hilo, Hawaii"; "Lihue, Kauai, T.H." to "Lihue, Hawaii"; and "Wailuku, Maui, T.H." to "Wailuku, Hawaii."

B. Part 20 is amended as follows:

§ 20.7 [Amendment]

1. Section 20.7 is amended by deleting the footnote designator from the title and by adding the text of footnote 1 as text at the end of the section.

§ 20.11 [Amendment]

2. Section 20.11 is amended by adding the text of footnote 1 as text at the end of paragraph (a).

3. Section 20.25(a) is amended by deleting the words "their cognizant" and substituting in their place the words "the appropriate." As amended, § 20.25(a) reads as follows:

§ 20.25 Station identification.

(a) *Call signs.* Disaster stations licensed by the Commission will be assigned distinctive call signs, consisting of four letters and one digit, in accordance with the table of geographical assignment of call signs contained in § 2.303 of this chapter. Stations of the United States Government authorized to operate in the Disaster Communications Service will be assigned appropriate call signs by the appropriate United States Government agencies from the call signs available to such agencies.

4. Section 20.26(a)(1) is amended by changing "above items" to "items in this subparagraph.", as follows:

§ 20.26 Radio station log.

(a) * * *

(1) Name and address of the disaster station licensee, station call sign used in the Disaster Communications Service, date of expiration of the disaster station license, and d.c. plate power input to the vacuum tube or tubes supplying energy to the transmitting antenna system. This information need be entered only once in the log unless there is a change in any of the items in this subparagraph. Each change shall be entered with the date the change is made.

5. Section 20.29 is amended by deleting, in paragraph (a), footnote designator 1 (in two places), and by adding the text of footnote 1 as text at the end of the paragraph; and by deleting, in paragraph (b), footnote designator 2 and

by adding the text of footnote 2 as text at the end of the paragraph, as follows:

§ 20.29 Limitations on use of frequencies.

(a) The assigned frequencies in the band 1750-1800 kc are available to stations in this Service upon a shared basis with the stations in the Industrial Radiolocation Service also assigned frequencies within that band: *Provided however*, That, except when transmitting in connection with an actual or imminent disaster in any area, stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service between the times at New Orleans, Louisiana, of sunrise and sunset: *And provided further*, That stations in the Industrial Radiolocation Service shall not cause harmful interference to stations in the Disaster Communications Service between the times at New Orleans, Louisiana, of sunset and sunrise, or at any time during an actual or imminent disaster in any area. The average times of sunrise and sunset at New Orleans, Louisiana, based on Central Standard Time, are as follows:

	Jan.	Feb.	Mar.	Apr.	May	June
Sunrise.....	7:00	6:45	6:15	5:30	5:15	5:00
Sunset.....	5:15	5:45	6:15	6:30	6:45	7:00

	July	Aug.	Sept.	Oct.	Nov.	Dec.
Sunrise.....	5:15	5:30	5:45	6:00	6:30	6:45
Sunset.....	7:00	6:45	6:00	5:30	5:00	5:00

(b) During the periods specified in paragraph (a) of this section when stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service, the operation of a disaster station for the purpose of drills or tests shall not be permitted if the licensee of such station has reason to believe or has been informed that such operation might reasonably be expected to cause harmful interference to stations in the Industrial Radiolocation Service, except by mutual agreement between the licensees in both Services through the channels of liaison prescribed in § 20.30. Stations in the Industrial Radiolocation Service are authorized to use frequencies in the 1750-1800 kc band under the condition, among others, that such use shall be limited to locations within 150 miles of the shoreline of the Gulf of Mexico.

6. Section 20.30 preceding paragraph (a) is amended by changing "§ 11.611 of this chapter, 'Rules Governing Industrial Radio Services,'" to "§ 11.611 in Part 11, Industrial Radio Services, of this chapter," as follows:

§ 20.30 Liaison with licensees in the Industrial Radiolocation Service.

To carry into effect the requirements of § 20.29, and of § 11.611 in Part 11, Industrial Radio Services, of this chapter, including a positive means whereby operation in the Industrial Radiolocation Service can be suspended to protect stations in this Service against harmful interference during operation in connec-

tion with an actual or imminent disaster or during other hours when stations in this Service have priority on the use of frequencies in the 1750-1800 kc band, there shall be established an adequate and reliable system of notification and liaison between licensees in this Service and licensees in the Industrial Radiolocation Service. The extent and division of responsibility for various phases of the notification and liaison system shall be as follows:

7. Section 20.31(a) preceding the table is amended by substituting "(see § 20.7)" in place of footnote designator 3 and by deleting footnote 3; paragraph (b) is amended by changing "In the foregoing table," to "In the table in paragraph (a) of this section,"; as amended, § 20.31(a) preceding the table and § 20.31(b) read as follows:

§ 20.31 Assigned frequencies and authorized emissions.

(a) The following frequencies in the frequency band 1750-1800 kc are assigned, on a nonexclusive basis, to all stations in the Disaster Communications

Service. The selection and use of these frequencies shall be in accordance with a coordinated local area and adjacent area disaster communications plan (see § 20.7), the specific types of emission herein indicated, and the other applicable provisions of this part:

(b) In the table in paragraph (a) of this section, a figure specifying the maximum authorized bandwidth in kilocycles to be occupied by the emission is shown as a prefix to the authorized emission classification. The specified bandwidth shall contain those frequencies upon which a total of 99 percent of the radiated power appears, and shall include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power. Any radiation in excess of the limits specified is considered to be an unauthorized emission.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154)
 [F.R. Doc. 59-7235; Filed, Aug. 28, 1959; 8:53 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 31]

BOWDOIN NATIONAL WILDLIFE REFUGE, MONTANA

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add § 31.11 to Subpart—Bowdoin National Wildlife Refuge, Montana, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to add regulations governing the hunting of waterfowl and coots and to limit the areas open for hunting on certain lands of the Bowdoin National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed addition to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 25, 1959.

D. H. JANZEN,
 Director, Bureau of
 Sport Fisheries and Wildlife.

HUNTING

§ 31.11 Migratory waterfowl and coot hunting permitted.

Subject to compliance with the provisions of Parts 6, 18, and 21 of this

chapter, migratory waterfowl and coot hunting is permitted on the hereinafter described lands and waters of the Bowdoin National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Permit.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Use of boats.* The use of boats with motors of 10 horsepower or less is permitted for hunting but for no other purpose: *Provided*, That the use of air-thrust and scull boats is prohibited.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(f) *Camping.* Camping or lighting of fires on the refuge is prohibited, except in designated areas.

(g) *Blinds.* Any person entitled to hunt may construct and use a blind: *Provided*, That construction of a blind does not establish a priority for use by the constructor or any person.

(h) *Hunting area.* Waterfowl and coot hunting will be permitted on the following described lands:

- T. 30 N., R. 31 E., M.F.M.
- Sec. 4, all;
- Sec. 5, E½;
- Sec. 8, NE¼ and SE¼NW¼;
- Sec. 9, N½ That part north of Great Northern Railway.

T. 31 N., R. 31 E.

Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;Sec. 22, SW $\frac{1}{4}$;Sec. 27, W $\frac{1}{2}$;

Sec. 28, all;

Sec. 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;Sec. 32, E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 33, all;

Sec. 34, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$.[F.R. Doc. 59-7197; Filed, Aug. 28, 1959;
8:48 a.m.]

[50 CFR Part 31]

COLUMBIA NATIONAL WILDLIFE
REFUGE, WASHINGTON

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise § 31.56 and to add § 31.57 to Subpart—Columbia National Wildlife Refuge, Washington, Chapter I, Title 50, Code of Federal Regulations, reading as set forth in tentative form below. The purpose is to make more inclusive the regulations governing the hunting of deer and to permit the hunting of upland game birds on certain lands of the Columbia National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revision and addition to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 25, 1959.

D. H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

HUNTING

§ 31.56 Deer hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer hunting is permitted on the hereinafter described lands of the Columbia National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(c) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(d) *Dogs.* Dogs are not permitted on the refuge for use in the hunting of deer.

(e) *Season and bag limit.* Season and bag limit shall be as prescribed jointly by the Regional Director, Bureau of

Sport Fisheries and Wildlife, and the Washington State Fish and Game Commission.

(f) *Hunting area.* All Government-owned lands within the Columbia National Wildlife Refuge are open to deer hunting.

§ 31.57 Upland game bird hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, upland game bird hunting is permitted on the hereinafter described lands of the Columbia National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(c) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(d) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(e) *Season and bag limit.* The open season and bag limit on upland game birds shall be in accordance with regulations established jointly by the Regional Director, Bureau of Sport Fisheries and Wildlife, and the Washington State Fish and Game Commission.

(f) *Hunting area.* The following described area is open to hunting:

T. 17 N., R. 28 E., W.M.

Sec. 10, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;Sec. 11, S $\frac{1}{2}$;Sec. 12, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Secs. 13, 14, and 15, all;

Sec. 22, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;Sec. 23, N $\frac{1}{2}$;

Sec. 24, all;

Sec. 25, E $\frac{1}{2}$.

T. 17 N., R. 29 E.

Sec. 18, Lots 1-4, incl., SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 19, Lots 1-4 incl., W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ W $\frac{1}{2}$;Sec. 29, S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$;Sec. 30, Lots 1 and 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,E $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 32, all;

Sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, andSW $\frac{1}{4}$ NW $\frac{1}{4}$.

[F.R. Doc. 59-7196; Filed, Aug. 28, 1959;

8:48 a.m.]

[50 CFR Part 31]

RED ROCK LAKES MIGRATORY
WATERFOWL REFUGE, MONTANA

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22

F.R. 8126), it is proposed to revise §§ 31.281 and 31.282 and to add § 31.283 to Subpart—Red Rock Lakes Migratory Waterfowl Refuge, Montana, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to make more inclusive the regulations governing hunting on Red Rock Lakes Migratory Waterfowl Refuge and to permit hunting for antelope in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revisions and addition to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 25, 1959.

D. H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

HUNTING

§ 31.281 Waterfowl (other than snow
geese) and coot hunting permitted.

Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, waterfowl (other than snow geese) and coot hunting are permitted on the hereinafter described lands and waters of the Red Rock Lakes Migratory Waterfowl Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(c) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(d) *Abandonment of personal property.* The abandonment of boats, decoys, or other items of personal property on the public hunting area or elsewhere on the refuge is prohibited: *Provided*, That boats and trailers may be moored or parked in areas designated for the purpose during the waterfowl hunting season.

(e) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(f) *Camping.* Camping is permitted only in designated areas.

(g) *Boats.* The use of boats with motors for the purpose of hunting waterfowl and coots is permitted: *Provided*, That the use of airthrust motors and scull boats is prohibited.

(h) *Hunting area.* That portion of the refuge lying north of the Lakeview-Monida road and west of the line common to sections 34 and 35, T. 13 S., R. 2 W., and sections 2 and 3, 10 and 11, 14 and 15 of T. 14 S., R. 2 W.

§ 31.282 Moose hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter,

moose hunting is permitted on the hereinafter described lands of the Red Rock Lakes Migratory Waterfowl Refuge subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* Moose hunting will be permitted on the following described lands:

- T. 14 S., R. 1 W.
 Sec. 1, all south of Elk Springs Creek;
 Sec. 2, all south of Elk Springs Creek;
 Sec. 3, all south and east of Elk Springs Creek;
 Sec. 10, all east of Elk Springs Creek and Swan Lake;
 Sec. 13, N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 14, fractional all;
 Sec. 15, fractional all;
 Sec. 20, SE $\frac{1}{4}$ south of Shambo Creek;
 Sec. 21, fractional all;
 Sec. 22, fractional all;
 Sec. 23, fractional all;
 Sec. 24, all;
 Sec. 25, N $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 26, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 27, N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 28, all;
 Sec. 29, E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 30, lots 9 and 10 (fraction E $\frac{1}{2}$ SE $\frac{1}{4}$).
 T. 13 S., R. 1 E.,
 Sec. 1, all S and E of Elk Springs Creek.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(d) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(e) *Seasons.* Moose may be hunted during the season as determined jointly by the Regional Director, Bureau of Sport Fisheries and Wildlife, and the Montana Fish and Game Commission.

(f) *Camping.* Camping is permitted only in designated areas.

§ 31.283 Antelope hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, hunting of antelope is permitted on the hereinafter described lands of the Red Rock Lakes Migratory Waterfowl Refuge subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* Antelope hunting will be permitted on the following described lands:

- T. 13 S., R. 1 W.,
 Sec. 25, all;
 Sec. 26, all;
 Sec. 27, E $\frac{1}{2}$;
 Sec. 34, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 36, all lying north and east of County Road.
 T. 13 S., R. 1 E.,
 Sec. 31, all.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(d) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(e) *Seasons.* Antelope may be hunted during the season as determined jointly by the Regional Director, Bureau of Sport Fisheries and Wildlife, and the Montana Fish and Game Commission.

(f) *Camping.* Camping is permitted only in designated areas.

[F.R. Doc. 59-7194; Filed, Aug. 28, 1959; 8:48 a.m.]

[50 CFR Part 35]

BOMBAY HOOK NATIONAL WILDLIFE REFUGE, DELAWARE

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add § 35.6 to Subpart—Bombay Hook National Wildlife Refuge, Delaware, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to permit the annual hunting of deer on certain lands of the Bombay Hook National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed addition to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 25, 1959.

D. H. JANZEN,
 Director, Bureau of
 Sport Fisheries and Wildlife.

HUNTING

§ 35.6 Deer hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer hunting is permitted on the hereinafter described lands of the Bombay Hook National Wildlife Refuge, Delaware, subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* Entry on the refuge for the purpose of hunting shall be by permit only. Travel shall be only along such routes as designated by the Refuge Manager.

(c) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting and reporting the daily kill.

(d) *Hunting area.* Only that portion of the Bombay Hook National Wildlife Refuge contained within the following

prescribed boundary shall be open to deer hunting:

Bounded on the west by the McClements-Refuge boundary and its straight extensions to Finis Pool and the Refuge north boundary; on the north by the Refuge boundary easterly to the Bear Swamp dike; on the east by the Bear Swamp dike and Bear Swamp canal to Shearneck dike; on the south by the northerly boundary of Shearneck Pool and Finis Pool to the McClements property corner at point of beginning.

(e) *Season and method of taking.* Deer may be taken only by bow and arrow during that part of the State season for deer hunting as may be prescribed by the Regional Director, Bureau of Sport Fisheries and Wildlife, Region 5 (Northeast) providing that no deer may be taken by hunting during the open season for waterfowl.

[F.R. Doc. 59-7195; Filed, Aug. 28, 1959; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 101]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring modification of Allison 501-D13 and -D13A engines to prevent serious damage resulting from compressor blade retention failures.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW, Washington 25, D.C. All communications received within 30 days after publication of this notice in the Federal Register will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired. This proposal will not be given further distribution as a draft release.

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

In consideration of the foregoing, it is proposed to amend § 507.10(a) by adding the following airworthiness directive: ALLISON. Applies to Allison Model 501-D13 and -D13A engines.

Compliance required not later than October 31, 1959.

Ten cases of compressor blade retention failures have occurred in service including one case that resulted in serious bulging and separation on the split line of the compres-

sor case and flash fire inside the cowling during ground running. To preclude the possibility of serious engine damage resulting from failure of first stage compressor blade retention one of the following modifications must be incorporated not later than October 31, 1959.

Install first stage compressor wheel assembly P/N 67 92821 or first stage compressor wheel assembly P/N 67 93351 or compressor rotor assembly P/N 67 92332. Allison Commercial Engine Bulletins Numbers 61 or 80 cover the first two modifications while the last is a new design.

Issued in Washington, D.C., on August 21, 1959.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 59-7185; Filed, Aug. 28, 1959;
8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59-WA-125]

FEDERAL AIRWAYS

Modification of a Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6016 of the Regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 16 presently extends from Los Angeles, Calif., to Boston, Mass. The distance between the Knoxville, Tenn., VOR and the Pulaski, Va., VOR on the north alternate segment of this airway is approximately 149 miles, which is considerably in excess of the normally desired 90 miles spacing between VOR's. The Federal Aviation Agency is considering realigning this north alternate segment of Victor 16 via an intermediate VOR to be installed approximately November 15, 1959 near Blackford, Va., at latitude 36°57'15", longitude 81°55'20", to provide more precise navigational guidance. If such action is taken, Victor 16 north alternate segment from Knoxville, Tenn., to Pulaski, Va., would be designated via the Blackford, Va., VOR. The control areas associated with Victor 16 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented

during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6016 (14 CFR, 1958 Supp., 600.6016, 23 F.R. 10337, 24 F.R. 702, 1282, 2227, 3870) as follows:

In the text of § 600.6016 VOR Federal airway No. 16 (Los Angeles, Calif., to Boston, Mass.), delete "including a north alternate from the Knoxville omnirange station to the Pulaski omnirange station via the intersection of the Knoxville omnirange 054° True and the Pulaski omnirange 260° True radials;" and substitute therefor "including a north alternate via Blackford, Va., VOR;"

Issued in Washington, D.C., on August 25, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-7176; Filed, Aug. 28, 1959;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-113]

FEDERAL AIRWAYS AND CONTROL AREAS

Extension of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6126 and 601.6126 of the Regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 126 presently extends from Chicago, Ill., to New York, N.Y. The Federal Aviation Agency has under consideration the extension of Victor 126 from Armonk, N.Y., intersection to Riverhead, N.Y., as a portion of a plan to revise and increase the air traffic flow capabilities into and from the New York metropolitan area. This extension to Victor 126 will serve primarily as a northwest bound route for aircraft departing New York International Airport, Idlewild, N.Y. If such action is taken VOR Federal airway No. 126 and its associated control areas would extend from Chicago, Ill., to Riverhead, N.Y.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, New York International Airport, Jamaica, Long Island, N.Y. All

communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6126 and 601.6126, (14 CFR, 1958 Supp., 600.6126, 601.6126) as follows:

1. Section 600.6126 VOR Federal airway No. 126 (Chicago, Ill., to New York, N.Y.):

a. In the caption, delete "(Chicago, Ill., to New York, N.Y.)" and substitute therefor "(Chicago, Ill., to Riverhead, N.Y.)"

b. In the text, delete "to the point of intersection of the Huguenot omnirange 114° and the Wilton, Conn., omnirange 240° radials." and substitute therefor "to the Riverhead, N.Y., VOR."

2. In the caption of § 601.6126 VOR Federal airway No. 126 control areas (Chicago, Ill., to New York, N.Y.), delete "(Chicago, Ill., to New York, N.Y.)" and substitute therefor "(Chicago, Ill., to Riverhead, N.Y.)"

Issued in Washington, D.C., on August 25, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-7175; Filed, Aug. 28, 1959;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-181]

FEDERAL AIRWAYS AND CONTROL AREAS

Designation of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the Regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of

VOR Federal airway No. 472 from Franklin, Va., to Elizabeth City, N.C. The designation of Victor 472 will provide a route for the use of VOR equipped aircraft into and from the Elizabeth City terminal which is presently served by a single colored airway. If such action is taken, VOR Federal airway No. 472 and associated control areas will be designated from the Franklin, Va., VOR to the Elizabeth City, N.C., VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) by adding the following sections:

§ 600.6472 VOR Federal airway No. 472 (Franklin, Va., to Elizabeth City, N.C.).

From the Franklin, Va., VOR to the Elizabeth City, N.C., VOR.

§ 601.6472 VOR Federal airway No. 472 control areas (Franklin, Va., to Elizabeth City, N.C.).

All of VOR Federal airway No. 472.

Issued in Washington, D.C., on August 25, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-7177; Filed, Aug. 28, 1959; 8:45 a.m.]

I 14 CFR Part 602 I

[Airspace Docket No. 59-FW-15]

CODED-JET ROUTES

Extension of Coded Jet Route

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24

F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.552 of the regulations of the Administrator, as hereinafter set forth.

VOR/VORTAC jet route No. 52 presently extends from Birmingham, Ala., to Florence, S.C. Scheduled air carrier jet aircraft service is proposed between Dallas, Tex., and Birmingham, Ala., in the near future. Accordingly, the Federal Aviation Agency has under consideration the extension of Jet Route 52-V westerly from Birmingham, Ala., to Dallas, Tex. The portion of Jet Route 52-V between Texarkana, Ark., and Dallas, Tex., would overlie VOR/VORTAC jet routes Nos. 31 and 42. This is proposed to provide continuity of the Jet Route, thus improving flight planning procedures and air traffic management. If such action is taken, Jet Route 52-V would extend from Dallas, Tex., via Texarkana, Ark., Greenwood, Miss., Birmingham, Ala., Atlanta, Ga., Augusta, Ga., Columbia, S.C., to Florence, S.C.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or argu-

ments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 602.552 (14 CFR, 1958 Supp. 602.552) as follows:

Section 602.552 VOR/VORTAC jet route No. 52 (Birmingham, Ala., to Florence, S.C.):

a. In the caption, delete "(Birmingham, Ala., to Florence, S.C.)" and substitute therefor "(Dallas, Tex., to Florence, S.C.)".

b. In the text, delete "From the Birmingham, Ala., VOR via the Atlanta, Ga., VOR;" and substitute therefor "From the Dallas, Tex., VOR via the Texarkana, Ark., VOR; Greenwood, Miss., VOR; Birmingham, Ala., VOR; Atlanta, Ga., VOR;"

Issued in Washington, D.C., on August 21, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-7178; Filed, Aug. 28, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Sacramento Area Redelegation Order 2, Amdt. 1]

ASSISTANT AREA DIRECTOR AND AREA ADMINISTRATIVE OFFICER

Redelegation of Authority

All previous authority delegated by Sacramento Area Redelegation Order 2 (22 F.R. 152) to the Area Property and Supply Officer to enter into supply and service contracts when the amount in individual cases does not exceed \$10,000 and to perform the duties of the Contracting Officer in regard to such contracts is hereby rescinded without prejudice to actions taken under such delegation prior to the date hereof.

The headnote and paragraph (b) of section 2 of Sacramento Area Office Redelegation Order 2 are amended to read as set forth below.

GLENN L. EMMONS,
Commissioner.

AUGUST 21, 1959.

SEC. 2. Assistant Area Director and Area Administrative Officer. * * * *

(b) The Area Administrative Officer may enter into supply and service contracts when the amount in individual cases does not exceed \$10,000 and perform the duties of Contracting Officer in regard to such contracts.

[F.R. Doc. 59-7198; Filed, Aug. 28, 1959; 8:48 a.m.]

Bureau of Land Management

ALASKA

Proposed Withdrawal and Reservation of Lands

AUGUST 21, 1959.

The Alaska Railroad has filed an application, Serial Number A. 046232 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for use in connection with the permanent ammunition loading and unloading site now constructed and in operation.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: 334 East Fifth Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PASSAGE CANAL—WHITTIER

Beginning at a point on the westerly boundary of Parcel No. 1 P.L.O. 587 which bears N. 10°00' W., 1,100 feet from the common corner and point of beginning for Parcels No. 1 and No. 3 of P.L.O. 587, thence N. 10°00' W., 1,900 feet; thence N. 58°30' E., 4,000 feet; thence East, 2,200 feet to the west shoreline of Passage Canal; thence Southwesterly 3,600 feet, approximately, along line of mean high water thence West, 770 feet thence S. 17°30' W., 795 feet; thence West, 1,320 feet; thence S. 18°42' W., 907.39 feet; thence West, 566.82 feet, more or less, to the point of beginning. The tract as described contains an area of approximately 198 acres.

L. T. MAIN,
Operations Supervisor.

[F.R. Doc. 59-7220; Filed, Aug. 28, 1959;
8:51 a.m.]

[Amdt. 2]

ALASKA

Notice of Proposed Withdrawal and Reservation of Land

The notice of the proposed withdrawal and reservation of land for the Bureau of Land Management, Anchorage 046340, as published in the FEDERAL REGISTER on October 8, 1958, in Volume 23, No. 197 on Page 7771, and as amended by a Notice published on November 20, 1958, on page 9039, in Volume 23, Number 227, is hereby further amended to re-describe the parcel at Smaller Jack Lake to read as follows:

SMALLER JACK LAKE

An unsurveyed parcel of land lying generally between the Nebesna Road and the north shore of Smaller Jack Lake in the northeast end and encompassing the mouth of the small stream flowing into the lake together with the several small peninsulas extending southward from the north shore that are in general use as public camp grounds, more particularly described as follows:

Beginning at the westernmost end of a small peninsula in the northeast part of Smaller Jack Lake at approximate latitude 62°31'4" N., longitude 143°16'10" W., thence: North to centerline of the Nabesna Road; Easterly along said centerline 990 ft.; South 660 ft.; West approximately 400 feet to mean high water of Smaller Jack Lake

Northwesterly along mean high water to point of beginning.

Containing approximately 15 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F.R. Doc. 59-7221; Filed, Aug. 28, 1959;
8:51 a.m.]

Bureau of Reclamation

NORTH PLATTE PROJECT, VETERAN TOWNSITE, WYOMING

Sale of Lots and Blocks

1. *Statutory authority.* Certain additional lots and blocks of the Townsite of Veteran, Wyoming, will be disposed of in accordance with the acts of April 16 and June 27, 1906 (34 Stat. 116, 519, 43 U.S.C. 561, 568).

2. *Area and price.* The area and appraised value of the lots and blocks which are to be sold are shown in the schedule below.

3. *Public sale.* On September 30, 1959, at 1 p.m., at the Veteran Public School in the Town of Veteran, Wyoming, said lots and blocks will be sold at public auction to the highest bidder at not less than the appraised value. Purchasers must be citizens of the United States. R. M. Sensintaffer, Acting Project Manager, North Platte Projects office, Bureau of Reclamation, has been designated as superintendent of the sale, and Arthur V. Hay, Chief Land and Water Service Division, North Platte Projects office, Bureau of Reclamation, as auctioneer.

4. *Terms of sale.* Full payment for the lots and blocks must be made in cash on the date of sale.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids for any lot or block and to suspend, adjourn, or postpone the sale of any lot or block to such time and place as he may deem proper. After all the lots and blocks have been offered, the superintendent will close the sale. Any lot or block remaining unsold will be subject to private sale by the Manager, Land Office, Cheyenne, Wyoming.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot or block from selling advantageously or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under 18 U.S.C. 1860.

Approved: August 13, 1959.

J. L. OGLVIE,
Acting Regional Director.

Schedule of Appraisal

T. 23 N., R. 63 W., 6th P.M., Veteran Townsite, Wyoming.

Section 13:	Area	Appraised value
Lot 1.....	50' x 140'	\$10.00
Lot 2.....	50' x 140'	10.00
Lot 3.....	50' x 140'	10.00
Lot 4.....	50' x 140'	10.00
Lot 5.....	50' x 140'	10.00

Section 13—Continued	Area	Appraised value
Lot 6.....	50' x 140'	\$10.00
Lot 7.....	50' x 140'	10.00
Lot 8.....	50' x 140'	10.00
Lot 9.....	50' x 140'	10.00
Lot 10.....	50' x 140'	10.00
Lot 11.....	50' x 140'	10.00
Lot 12.....	50' x 140'	10.00
Block 40.....	150' x 380'	80.00
Block 43.....	140' x 300'	60.00
Block 44.....	140' x 300'	60.00
Block 45.....	140' x 300'	60.00

[F.R. Doc. 59-7206; Filed, Aug. 28, 1959;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILLIAM C. MASSETH

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. William C. Masseth.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: August 19, 1959.
4. Title of position: Consultant, Iron & Steel Division.
5. Name of private employer, Bethlehem Steel Co., Bethlehem, Pa.

CARLTON HAYWARD,
Director of Personnel.

AUGUST 13, 1959.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has, owned, any similar interest.

Bethlehem Steel Co.
General Dynamics Corp.
Heydon Newport Chemical Co.
Aluminum Ltd.
Servo-Mechanisms Corp.
Brush Beryllium Corp.
Houston Corp.
Sawhill Tubular Products Co.
Philippines Oil & Development Co.
Trebort Mines, Ltd.
Pacific Automation Co.
United Funds, Inc.
Basement Club.
Bank Deposits.

WILLIAM C. MASSETH.

AUGUST 20, 1959.

[F.R. Doc. 59-7222; Filed, Aug. 28, 1959;
8:52 a.m.]

JAMES F. REID, SR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

- A. Deletions: no change.
B. Additions: no change.

This statement is made as of August 9, 1959.

JAMES F. REID, Sr.

AUGUST 9, 1959.

[F.R. Doc. 59-7223; Filed, Aug. 28, 1959; 8:52 a.m.]

WALLACE E. CARROLL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

- A. Deletions: no charge.
B. Additions: no change.

This statement is made as of August 18, 1959.

WALLACE E. CARROLL.

AUGUST 18, 1959.

[F.R. Doc. 59-7224; Filed, Aug. 28, 1959; 8:52 a.m.]

COURTLANDT F. DENNEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

- A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1959.

COURTLANDT F. DENNEY.

AUGUST 17, 1959.

[F.R. Doc. 59-7225; Filed, Aug. 28, 1959; 8:52 a.m.]

MARVIN S. PLANT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and

Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

- A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1959.

MARVIN S. PLANT.

AUGUST 15, 1959.

[F.R. Doc. 59-7226; Filed, Aug. 28, 1959; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-145]

THOR-WESTCLIFFE RESEARCH, INC.**Application for Production Facility License**

Please take notice that Thor-Westcliffe Research, Inc. (a wholly owned subsidiary of Thor-Westcliffe Development Inc.) Santa Fe, New Mexico, under section 104 of the Atomic Energy Act of 1954, has submitted an application for the necessary licenses to construct and operate a multi-stage gas centrifuge isotope separation plant to produce special nuclear material in the vicinity of Pittsburg, Kansas. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 24th day of August, 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F.R. Doc. 59-7173; Filed, Aug. 28, 1959; 8:45 a.m.]

[Docket No. 50-57]

UNIVERSITY OF BUFFALO**Proposed Issuance of Construction Permit**

Please take notice that the Atomic Energy Commission proposes to issue to the University of Buffalo a construction permit substantially as set forth below unless within fifteen days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). The University has advised that the Nuclear Research Center, of which the subject reactor will be a part, will be operated by a separate, non-profit corporation (to be organized under the laws of the State of New York) which will lease the reactor and Nuclear Research Center facilities from the University. For further details see, (1) the application submitted by the University of Buffalo and (2) a hazards analysis by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file 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 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 24th day of August 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated March 7, 1957, and amendments dated May 27, 1959, July 21, 1959, and July 31, 1959 (hereinafter collectively referred to as "the application") The University of Buffalo, Buffalo, New York, requested a Class 104 license defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation of a pool-type research reactor (hereinafter referred to as "the reactor") designed to operate at a steady thermal power of one megawatt.

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act").

C. The University of Buffalo is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR.

D. The University of Buffalo is technically qualified to construct and operate the reactor in accordance with the reductions contained in Title 10, Chapter I, CFR.

E. The University of Buffalo has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risks to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The University of Buffalo to construct the reactor in accordance with the specifications contained in the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations, is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is March 1, 1961. The latest completion date of the reactor is August 1, 1961. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location in Buffalo, New York, specified in the application.

4. Upon completion of the construction of the reactor in accordance with the terms and conditions of this permit, and upon finding that the reactor authorized has been constructed in conformity with the application and in conformity with the provisions of the Act and of the rules and regulations of the Commission, the Commission will

issue a Class 104 license pursuant to section 104c of the Act, which license shall expire on June 30, 1981.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to the University, for use in connection with the facility, eleven kilograms of uranium 235 contained in uranium enriched to approximately 93 percent in the isotope uranium 235. Estimated

schedules of special nuclear material transfers to the University and returns to the Commission are contained in Appendix A which is set forth below. Shipments by the Commission to the University in accordance with Column 2 in Appendix A will be conditioned upon the University's return to the Commission of material substantially in accordance with Column 3 of Appendix A. For the Atomic Energy Commission.

APPENDIX A

ESTIMATED SCHEDULE OF TRANSFERS OF SPECIAL NUCLEAR MATERIAL FROM THE COMMISSION TO THE UNIVERSITY AND TO THE COMMISSION FROM THE UNIVERSITY.

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to the university, gms. U-235	(3) Returns by the university to AEC, gms. U-235		(4) Net yearly distribution including cumulative losses, gms. U-235	(5) Cumulative distribution including cumulative losses, gms. U-235
		Recoverable cold scrap	Spent hot fuel		
1951	8,700	2,900	1,020	4,780	4,780
1952	3,000	1,000	1,700	300	5,080
1953	3,000	1,000	1,700	300	5,380
1954	3,000	1,000	1,700	300	5,680
1955	3,000	1,000	1,700	300	5,980
1956	3,000	1,000	1,700	300	6,280
1957	3,000	1,000	1,700	300	6,580
1958	3,000	1,000	1,700	300	6,880
1959	3,000	1,000	1,700	300	7,180
1970	3,000	1,000	1,700	300	7,480
1971	3,000	1,000	1,700	300	7,780
1972	3,000	1,000	1,700	300	8,080
1973	3,000	1,000	1,700	300	8,380
1974	3,000	1,000	1,700	300	8,680
1975	3,000	1,000	1,700	300	8,980
1976	3,000	1,000	1,700	300	9,280
1977	3,000	1,000	1,700	300	9,580
1978	3,000	1,000	1,700	300	9,880
1979	3,000	1,000	1,700	300	10,180
1980	3,000	1,000	1,700	300	10,480
Totals	65,700	21,900	33,320		10,480
Of scrap returned, assuming 1% unrecoverable					+219
Consumption plus inventory					10,699
Inventory to be returned to AEC at close of fiscal year 1980					4,600

[F.R. Doc. 59-7174; Filed, Aug. 28, 1959; 8:45 a.m.]

Texas, Docket No. 11837, File No. BP-10499; for construction permits.

It is ordered, This 24th day of August 1959, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter commencing at 2:00 p.m. on Thursday, September 3, 1959, in the offices of the Commission, Washington, D.C.

Released: August 25, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7236; Filed, Aug. 28, 1959; 8:53 a.m.]

[Docket Nos. 12837 etc.; FCC 59M-1076]

BIRNEY IMES, JR., ET AL.

Order Scheduling Further Prehearing Conference

In re applications of Birney Imes, Jr., West Memphis, Arkansas, Docket No. 12837, File No. BP-11465; Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company (KTRY), Bastrop, Louisiana, Docket No. 12838, File No. BP-11924; Newport Broadcasting Company, West Memphis, Arkansas, Docket No. 12839, File No. BP-12113; Crittenden County Broadcasting Company, West Memphis, Arkansas, Docket No. 12840, File No. BP-12405; Garrett Broadcasting Corporation, West Memphis, Arkansas, Docket No. 13057, File No. BP-12987; for construction permits.

It is ordered, This 24th day of August 1959, that a further prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter commencing at 10:00 a.m. on Tuesday, September 15, 1959, in the offices of the Commission, Washington, D.C.

Released: August 25, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7237; Filed, Aug. 28, 1959; 8:53 a.m.]

[Docket Nos. 12955, 12956; FCC 59M-1082]

BALD EAGLE-NITTANY BROADCASTERS AND SUBURBAN BROADCASTING CORP.

Order Scheduling Prehearing Conference

In re applications of W. K. Ulerich, Milton J. Bergstein and John A. Dame, d/b as Bald Eagle-Nittany Broadcasters, Bellefonte, Pennsylvania, Docket No. 12955, File No. BP-11998; Suburban Broadcasting Corp., State College, Pennsylvania, Docket No. 12956, File No. BP-12007; for construction permits.

It is ordered, This 25th day of August 1959, that a prehearing conference, in accordance with § 1.111 of the rules, will

CIVIL AERONAUTICS BOARD
PROPOSED AIR STAR ROUTE

Description

In accordance with Public Law 277 of the 81st Congress (approved August 30, 1949), notice is hereby given that the Civil Aeronautics Board has received a request from the Postmaster General (Docket No. 10811) for certification that the proposed air star route, hereinafter described, does not conflict with the development of air transportation as contemplated under the Federal Aviation Act of 1958.

The route proposed is as follows: Between Honolulu, Hawaii and Canton Island (which is located 1911 miles southwest of Honolulu).

Under the provisions of the said Public Law 277, the Postmaster General is required to obtain the certification of the Board prior to advertising for bids for the carriage of mail by aircraft on any star route. Any contract which may ultimately be awarded by the Postmaster General under such law will not confer authority to carry persons or property (other than mail) by air.

Prior to reaching its decision as to whether the requested certification should be issued, the Board desires to afford interested persons an opportunity to comment thereon through the sub-

mission of written data, views or arguments, in triplicate, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C.. All relevant matter in communications bearing the above docket number received on or before September 8, 1959, will be considered by the Board before taking final action on the request of the Postmaster General.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

AUGUST 26, 1959.

[F.R. Doc. 59-7230; Filed, Aug. 28, 1959; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11836, 11837; FCC 59M-1077]

PLAINVIEW RADIO AND STAR OF THE PLAINS BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

Earl S. Walden; Homer T. Goodwin, and Leroy Durham, d/b as Plainview Radio, Plainview, Texas, Docket No. 11836, File No. BP-10200; Troyce H. Harrell and Kermit S. Ashby, d/b as Star of the Plains Broadcasting Co., Slaton,

be held in the above-entitled matter at 10:00 a.m. on Tuesday, September 1, 1959, in the offices of the Commission, Washington, D.C.

Released: August 26, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7238; Filed, Aug. 28, 1959;
8:54 a.m.]

[Docket No. 13170]

ALBERT L. KING

Amended Order To Show Cause

In the matter of Albert L. King, Gulf Shores, Alabama, Docket No. 13170; order to show cause why there should not be revoked the license for Radio Station WG-5519, aboard the vessel "Silver Sands."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated April 7, 1959, calling attention to the violation (observed April 5, 1959) of § 8.108 of the Commission's rules in that the station was emitting a harmonic on approximately 5660 kc., when operating on the frequency 2830 kc. with Type A3 emission.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated June 2, 1959, and sent by Certified Mail—Return Receipt Requested (No. 212619), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Lillian Calloway, on June 5, 1959 to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated section 1.61 of the Commission's rules;

It is ordered, This 26th day of August 1959, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing¹ to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 27, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7239; Filed, Aug. 28, 1959;
8:54 a.m.]

[Docket No. 13174; FCC 59M-1078]

KERN RADIO DISPATCH

Order Scheduling Hearing

In re application of Thomas R. Poor, d/b as Kern Radio Dispatch, 815 Twenty-fourth Street, Bakersfield, California, Docket No. 13174, File No. 1596-C2-P-58, Station KMD993; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Taft, California.

It is ordered, This 24th day of August 1959, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 29, 1959, in Washington, D.C.

Released: August 25, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 59-7240; Filed, Aug. 28, 1959;
8:54 a.m.]

¹Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written state-

[Docket No. 13174; FCC 59M-1083]

KERN RADIO DISPATCH

Notice of Prehearing Conference

In re application of Thomas R. Poor, d/b as Kern Radio Dispatch, 815 Twenty-fourth Street, Bakersfield, California, Docket No. 13174, File No. 1596-C2-P-58; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Taft, California.

A prehearing conference will be held Monday, September 14, 1959 at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: August 26, 1959.

Released: August 26, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7241; Filed, Aug. 28, 1959;
8:54 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18834]

CITY PRODUCTS CORP. AND W. J. COPPINGER

Notice of Application and Date of Hearing

AUGUST 25, 1959.

Take notice that on June 22, 1959, City Products Corporation and W. J. Coppinger (Applicants) filed in Docket No. G-18834 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Northern Natural Gas Company (Northern) from acreage in the South Pleasant Valley Field, Ford County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that the Vice No. 1 Well, being the only gas producing well on the subject acreage, has ceased to produce in sufficient quantities to make delivery to Northern and has been plugged and abandoned.

Applicants were authorized to render the service herein proposed to be abandoned on June 27, 1957, in Docket No. G-4090. This service was covered by a gas sales contract dated September 27, 1954, by and between Applicants, as sellers, and Northern, as buyer, on file with the Commission as W. J. Coppinger, et al., FPC Gas Rate Schedule No. 1.

Notice of the cancellation of the aforesaid contract of September 27, 1954, filed concurrently with the subject application, is on file with the Commission

and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

as Supplement No. 1 to W. J. Coppinger, et al., FPC Gas Rate Schedule No. 1.

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, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. 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 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 19, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7214; Filed, Aug. 28, 1959;
8:50 a.m.]

[Docket No. E-6881]

SUPERIOR WATER, LIGHT AND POWER CO.

Notice of Supplemental Application

AUGUST 25, 1959.

Take notice that on August 24, 1959, a supplemental application in the above-entitled matter was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Superior Water, Light and Power Company ("Applicant"), seeking a supplemental order authorizing the issuance by Applicant of up to a maximum of \$2,050,000, principal amount of unsecured short-term Promissory Notes, outstanding at any one time. The Commission's order issued June 3, 1959 authorized Applicant to issue unsecured, short-term Promissory Notes in a principal amount not in excess of \$850,000 outstanding at any one time to banks before June 1, 1961. The proposed additional Notes would also be issued before that date. Notice of Applicant's original application in Docket No. E-6881 was published in the FEDERAL REGISTER on April 30, 1959 (24 F.R. 3382). Applicant states that the proceeds from said Promissory Notes will be used to provide funds to meet its construction and conversion program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 11th day of September, 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7215; Filed, Aug. 28, 1959;
8:51 a.m.]

[Docket No. G-18296]

WISCONSIN SOUTHERN GAS CO., INC., ET AL.

Notice of Date of Hearing

AUGUST 25, 1959.

In the matter of Wisconsin Southern Gas Company, Inc. v. Natural Gas Pipeline Company of America and Texas Illinois Gas Pipeline Company; Docket No. G-18296.

Take notice that pursuant to the authority conferred upon the Federal Power Commission by sections 5, 14, 15 and 16 of the Natural Gas Act and the Commission's rules of practice and procedure (18 CFR, Chapter I) a hearing will be held on September 22, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved and the issues presented in the order Instituting Investigation and Providing for Hearing issued herein on August 12, 1959.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 12, 1959.

Notice of the order issued herein was published in the FEDERAL REGISTER on August 19, 1959 (24 F.R. 6730-6731).

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7217; Filed, Aug. 28, 1959;
8:51 a.m.]

[Docket No. G-18394]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

AUGUST 25, 1959.

Take notice that on April 27, 1959, United Gas Pipe Line Company (Applicant) filed an application in Docket No. G-18394, pursuant to section 7(b) of the Natural Gas Act, for permission to remove approximately 70 feet of 8½-inch O.D. branch pipeline and appurtenant facilities used to serve natural gas to the Libbey-Owens-Ford Glass Company's Shreveport, Louisiana, plant, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the subject pipeline and facilities were used to serve natural gas to Libbey-Owens-Ford under the terms of a contract which has terminated and under which deliveries of gas have ceased.

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, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. 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 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 18, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7216; Filed, Aug. 28, 1959;
8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 143]

MARKET AGENCIES AT OMAHA UNION STOCK YARDS

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 July 22, 1959, continuing in effect to and including October 1, 1959, an order issued on June 11, 1958 (17 A.D. 530), authorizing the respondents, Market Agencies at Omaha Union Stock Yards, Omaha, Nebraska, to assess the current temporary schedule of rates and charges.

By a petition filed on August 6, 1959, the respondents requested authority to modify the current temporary schedule of rates and charges as indicated below. It was also requested that such authority become effective as soon as possible and that the current schedule, as so modified, remain in effect for a period of two years unless further modified or extended during that period.

SELLING AND RESELLING CHARGES

SECTION A

(The selling charges apply only when animals offered for sale are sold)

	Rate per head	
	Present	Proposed
Cattle:		
Consignments of one head and one head only.....	\$1.50	\$1.55
Consignments of more than one head:		
First 5 head in each consignment.....	1.25	1.30
Next 10 head in each consignment.....	1.15	1.20
Each head over 15 in each consignment.....	1.05	1.15
Calves:		
Consignments of one head and one head only.....	.90	1.00
Consignments of more than one head:		
First 5 head in each consignment.....	.75	.85
Next 10 head in each consignment.....	.65	.75
Each head over 15 in each consignment.....	.55	.70

SECTION B

Hogs:		
Consignments of one head and one head only.....	.65	.65
Consignments of more than one head:		
First 10 head in each consignment.....	.47	.49
Next 15 head in each consignment.....	.42	.44
Each head over 25 in each consignment.....	.37	.39
Stags or boars: (250 pounds or over); Cripples or subjects.....	.80	.85

SECTION C

Sheep or goats:		
Consignments of one head and one head only.....	.50	.60
Consignments of more than one head:		
First 10 head in each 225 head in each consignment.....	.39	.41
Next 20 head in each 225 head in each consignment.....	.32	.35
Next 30 head in each 225 head in each consignment.....	.26	.29
Next 40 head in each 225 head in each consignment.....	.16	.19
Next 125 head in each 225 head in each consignment.....	.10	.13
Cripples or subjects.....	.60	.65

BUYING CHARGES

SECTION F

The charges for buying any species of livestock shall be the same as the selling charges for that species with the following exceptions:

Cattle and calves:

1. The minimum charge on a purchase order of cattle, and/or calves, shipped out by rail, shall be \$27.00 (presently \$25.00) times the number of cars in which the animals are shipped.

2. On trucked out cattle and calves for immediate slaughter the unit of charge shall be 22,000 pounds. On purchase orders weighing less than 22,000 pounds the maximum charge shall be \$29.00 (presently \$27.00). On purchase orders weighing 22,000 pounds or over, the charge shall be \$29.00 (presently \$27.00) for each unit of 22,000 pounds. In the case of those purchase orders which are of such weight that a fraction of a unit results, the charge on the fraction shall be computed by dividing the weight of the fraction by the average per head weight of the cattle in the purchase order. The number of animals so ascertained shall carry a charge of \$1.15 (presently \$1.05) for cattle and \$.70 (presently \$.55) per head for calves.

The modifications, if authorized, will produce additional revenue for the respondents 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, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 25th day of August 1959.

DONALD L. BOWMAN,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-7213; Filed, Aug. 28, 1959; 8:50 a.m.]

TRI-COUNTY STOCK YARDS ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

- Tri-County Stock Yards, Hurtsboro, Ala.
- Morrilton Livestock Auction, Morrilton, Ark.
- Byron Livestock Commission Co., Byron, Ill.
- Flanagan Livestock Auction, Flanagan, Ill.
- Kewanee Sale Barn, Kewanee, Ill.
- Maple Park Livestock Sales, Maple Park, Ill.
- Princeville Livestock Sales, Princeville, Ill.
- Viola Auction Co., Viola, Ill.
- Enterprise Livestock Auction Co., Enterprise, Ore.
- Woodburn Auction Yard, Woodburn, Ore.
- Southern Utah Auction Co., Cedar City, Utah.
- Ellensburg Sale Yard, Ellensburg, Wash.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of August 1959.

DONALD L. BOWMAN,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-7233; Filed, Aug. 28, 1959; 8:53 a.m.]

[P. & S. Docket No. 534]

MARKET AGENCIES AT NEW ORLEANS STOCK YARDS, INC.

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 June 25, 1959, authorizing the respondents, Market Agencies at the New Orleans Stock Yards, Inc., Arabi, Louisiana, to assess the current schedule of rates and charges to and including June 30, 1960, unless modified or extended by further order before the latter date.

By a petition filed on July 13, 1959, as amended by a document filed August 7, 1959, W. H. Hodges & Co., Inc., one of the respondents, requested authority to modify the current schedule of rates and charges as indicated below:

ARTICLE II

SELLING CHARGES

ALL MODES OF ARRIVAL

Animals of the Bovine Species

	Rate per head	
	Present	Proposed
Light weight bovines:		
One head and one head only.....	\$1.00	-----
First 15 head in each consignment.....	.85	\$2.00
Each head over 15 in each consignment.....	.75	1.50
Medium weight bovines:		
One head and one head only.....	1.50	-----
First 15 head in each consignment.....	1.35	2.50
Each head over 15 in each consignment.....	1.25	2.00
Heavy weight bovines:		
One head and one head only.....	1.75	-----
First 15 head in each consignment.....	1.50	3.00
Each head over 15 in each consignment.....	1.35	2.50
Bulls: 600 pounds and over.....	3.00	3.50
Dairy cattle: Milkers or springers (cows with calves at feet being considered one).....	5.00	10.00
	(Proposed)	
Swine:		
Pigs, 75 pounds and down.....		.50
Hogs, over 75 pounds:		
First 40 in each consignment.....		1.00
Each head over 40 in each consignment.....		.75
	(Present)	
Consignments of one head and one head only.....	1.00	-----
Consignments of more than one head:		
First 40 in each consignment.....	.65	-----
Each head over 40 in each consignment.....	.50	-----
Sheep and goats: All weights.....	.35	.50

ARTICLE III

EXTRA SERVICE CHARGES

	Rate per head	
	Present	Proposed
For each additional draft over 3 in any 1 consignment.....	\$0.25	\$0.50
For each additional check, each additional account sales, each additional proceeds deposit over 1 per consignment.....	.10	.50
For each additional day after arrival of milch cows, until sold, not to exceed a maximum charge of.....	2.50	5.00
Per head per day.....	.50	1.00
Tipping horns.....	.15	.15
Branding.....	.20	.25
Removing ear tags; first five (5) head.....	.25	.25
Each head thereafter.....	.10	.10
Castrating and treating bulls.....	1.00	1.00
Testing for bangs.....		1.00
When requested, or when necessary, for brand or identification tag, a charge will be made of.....	.25	.25

ARTICLE IV

BUYING CHARGES

The charges for buying livestock of the various species shall not be in excess of those for selling like species and shall be as follows:

	Rate per car	
	Present	Proposed
Slaughter cattle and calves in carload lots, single deck, maximum of.....	\$20.00	\$25.00
Slaughter cattle and calves in carload lots, double deck, maximum of.....	30.00	40.00
Hogs and sheep in carload lots, 20 cents per head not to exceed:		
Maximum for single deck.....	15.00	25.00
Maximum for double deck.....	22.00	40.00
	Rate	Rate
	per car	per head
	(Present)	(Proposed)
Stocker cattle and calves in carload lots, single deck, maximum of.....	\$25.00	\$1.00
Stocker cattle and calves in carload lots, double deck, maximum of.....	37.50	1.00
	Rate per head	
	Present	Proposed
Slaughter cattle, less than carload lots:		
Cattle, 500 pounds and up.....	\$0.65	\$1.50
Calves, 495 pounds and under.....	.40	1.00
Stocker cattle, less than carload lots:		
Cattle, 500 pounds and up.....	1.00	2.50
Calves, 495 pounds and under.....	.65	2.00
Hogs and sheep, less than carload lots.....	.25	.25

(Purchases of livestock out of consignment to fill orders: When livestock are purchased out of consignments to fill orders, no buying commission will be assessed. In lieu thereof, a charge equal to one-half the regular buying charges will be assessed to defray the expenses incurred for soliciting of the market bids.)

ARTICLE V

RESALE CHARGES

The rates for reselling livestock of the various species shall be the same as those for selling under the provisions of Article II.

ARTICLE VI

FEED CHARGES

Hay—All kinds: Current market prices, f.o.b. Stockyards: plus \$1.00 per hundred-weight (presently \$0.50 per hundred-weight.)

Cotton Seed Hulls: Current market prices, f.o.b. Stockyards: plus \$1.00 per hundred-weight (presently \$0.50 per hundred-weight.)

Cottonseed Meal: Current market prices, f.o.b. Stockyards: plus \$1.00 per hundred-weight (presently \$0.50 per hundred-weight.)

Corn: Current market prices, f.o.b. Stockyards: plus \$0.50 per bushel (presently \$0.25 per bushel.)

Special Feeds: A reasonable handling charge not to exceed \$1.00 per hundredweight (presently \$0.50 per hundredweight) or fraction thereof.

The charge made for hay, hulls, meal, and corn shall be divisible by 5 and shall be amended when the margin between cost and sale prices of the feeds named varies five cents from the margin specified above.

ARTICLE VIII

SHIPPING CHARGES

When shipments are forwarded by rail and where partitions are required a charge of \$5.00 (presently \$4.50) for each partition furnished will be made.

When shipments are forwarded by rail a charge will be made of \$5.00 per car (presently \$4.00), for bedding single deck, and \$8.00 (presently \$6.00) per car for double deck.

When required, a charge of \$3.00 (presently \$1.50) per head will be made for tying bulls in cars.

The modifications, if authorized, will produce additional revenue for the respondents 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, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 24th day of August 1959.

DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F.R. Doc. 59-7232; Filed, Aug. 28, 1959; 8:53 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2016]

GLEN ALDEN CORP.

Notice of Application for Unlisted Trading Privileges, and of Oppor- tunity for Hearing

AUGUST 24, 1959.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Glen Alden Corporation Common Stock, File No. 7-2016.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 9, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 59-7208; Filed, Aug. 28, 1959;
8:50 a.m.]

[File No. 7-2017]

GLEN ALDEN CORP.

Notice of Application for Unlisted Trading Privileges, and of Oppor- tunity for Hearing

AUGUST 24, 1959.

In the matter of application by the Midwest Stock Exchange for unlisted trading privileges in Glen Alden Corporation, Common Stock, File No. 7-2017.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 9, 1959, from any interested person, the Commission will determine whether to set the matter down for hear-

ing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 59-7209; Filed, Aug. 28, 1959;
8:50 a.m.]

[File No. 54-182]

CENTRAL PUBLIC UTILITY CORP. ET AL.

Order Modifying Plan

AUGUST 21, 1959.

The Commission having, on June 13, 1952, entered its Findings and Opinion and Order (33 S.E.C. 555) approving a plan filed by Central Public Utility Corporation ("Cenpuc"), a registered holding company, under section 11(e) of the Public Utility Holding Company Act of 1935 ("Act") which, among other things, provided for the recapitalization of Cenpuc by the cancellation of all its outstanding securities and the issuance of 1,000,100 shares of new common stock, par value \$6.00 a share, to the holders of Cenpuc's 5½ percent Income Bonds, due August 1, 1952 ("Income Bonds"); and

The United States District Court for the District of Delaware having, on July 29, 1952, entered an order approving and enforcing the plan; and

Holders of Cenpuc's Income Bonds having, under the plan, until August 31, 1960 (the final day of an eight-year distribution period) the right to exchange their securities for Cenpuc stock after which the shares held by the exchange agent for issuance to the holders of Cenpuc's Income Bonds are to be returned to Cenpuc for cancellation; and

It appearing that there is pending a proposed consolidation of Cenpuc, Consolidated Electronics Industries Corp., and Philips Industries, Inc. into a new corporation to be named Consolidated Electronics Industries Corp. ("Con-Electron") and into whose shares Cenpuc's capital stock will be converted on a share for share basis; and

The Commission having granted Cenpuc an exemption from the Act (Holding Company Act Release No. 13970 (April 3, 1959)) based, in part, upon the company's proposal that Cenpuc stockholders who object to the proposed consolidation would have the right to receive, without resort to any court, cash in the amount of \$28 for each share of Cenpuc stock owned by him; and

Cenpuc having filed an amendment to its section 11(e) plan so as to provide:

(a) for the distribution to holders of Cenpuc Income Bonds, who transmit their Income Bonds to the exchange agent during the period between the effective date of the consolidation and the termination of the eight-year distribution period, the same number of shares of the new corporation, Con-Electron, as the number of shares of Cenpuc they would have been entitled to receive under the plan;

(b) that any holder of Income Bonds who effects the exchange shall have the right, for a period of twenty days after written notice by the exchange agent, to elect to receive cash equal to \$28 per share in lieu of shares of Con-Electron; and

(c) that after the termination of the eight-year period of distribution, all of the shares of Con-Electron not distributed to holders of Cenpuc's Income Bonds be turned over to Con-Electron (if it then shall be the successor of Cenpuc) and be held as treasury stock rather than be extinguished as now provided in the plan; and

The Commission having considered the amendment and finding it appropriate in the public interest and in the interest of investors that said amendment to the plan be approved:

It is ordered, Pursuant to section 11(e) of the Act, that the above-described amendment to the plan be, and hereby is, approved, subject to the following terms and conditions:

(1) That said amendment be inoperative should the proposed consolidation not be consummated; and

(2) That jurisdiction be, and hereby is, generally reserved to the Commission to entertain such further proceedings and to take such further action as it may deem appropriate in connection with this matter.

It is further ordered, That the foregoing provisions of this order shall not be operative to authorize or require the carrying-out of the amendment to the plan until an appropriate United States District Court shall have entered an order approving and enforcing said amendment.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 59-7212; Filed, Aug. 28, 1959;
8:50 a.m.]

[File No. 7-2018]

CORN PRODUCTS CO.

Notice of Application for Unlisted Trading Privileges, and of Oppor- tunity for Hearing

AUGUST 24, 1959.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Corn Products Company (Delaware), Common Stock, File No. 7-2018.

The above named stock exchange, pursuant to section 12(f) (2) of the Secu-

urities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 9, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-7210; Filed, Aug. 28, 1959;
8:50 a.m.]

[File No. 7-2019]

LOEW'S THEATRES, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 24, 1959.

In the matter of application by the Pittsburgh Stock Exchange for unlisted trading privileges in Lowe's Theatres, Inc., Common Stock, File No. 7-2019.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 8, 1959, from any interested

person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-7211; Filed, Aug. 28, 1959;
8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 179]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 26, 1959.

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 62342. By order of August 25, 1959, the Transfer Board approved the transfer to O. J. Womelsdorf, Maple-

ton, Kans., of Certificate No. MC 52551, issued June 12, 1953, to O. J. Womelsdorf and Marion Quick, doing business as Womelsdorf and Quick, Mapleton, Kans., authorizing the transportation of: Livestock, from Fort Scott, Kans., to Kansas City, Mo., with service from intermediate and off-route points within 20 miles of Fort Scott, Kans., restricted to pickup only, and to the off-route point of North Kansas City, Mo., restricted to delivery only; and ground feed and lumber, from Kansas City, Mo., to Fort Scott, Kans., with no service to or from intermediate points, and with service from the off-route point of North Kansas City, Mo., restricted to pickup only.

No. MC-FC 62360. By order of August 25, 1959, the Transfer Board approved the transfer to River Terminals Transport, Inc., Madison, Indiana, of the operating rights in Certificate No. MC 117768, issued July 29, 1959, to James D. Shake and J. Brinton Thomas, a Partnership, doing business as Central Coal and Supply Co., Madison, Indiana, authorizing the transportation, over irregular routes of dry bulk commodities (not including cement), in bulk, in dump trucks, or other similar type self-unloading equipment, from river terminals, located at Madison and Aurora, Ind., to points in described portions of Indiana, Ohio, and Kentucky. Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis 4, Indiana.

No. MC-FC 62485. By order of August 25, 1959, the Transfer Board approved the transfer to Clyde B. Didlake, doing business as Clyde's Charter Bus Service, Glen Burnie, Maryland, of the operating rights in Certificate No. MC 36788, issued October 24, 1952, to James Milton Johnson, doing business as Johnson Motor Bus Service, Pasadena, Maryland, authorizing the transportation, over irregular routes, from points in Anne Arundel County, Md., to points in Maryland, the District of Columbia, Virginia, Pennsylvania, and Delaware, and return. S. Harrison Kahn, 1110 Investment Building, Washington, D.C., for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-7219; Filed, Aug. 28, 1959;
8:51 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during August. Proposed rules, as opposed to final actions, are identified as such.

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