Rules and Regulations

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 205]

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

Limitation of Handling

§ 922.505 Valencia Orange Regulation 205.

(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. 601–674), 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 (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for 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 July 7, 1960.

(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., July 10, 1960, and ending at 12:01 a.m., P.s.t., July 17, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 550,000 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: July 8, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6464; Filed, July 8, 1960; 11:27 a.m.]

[Lemon Reg. 854]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.961 Lemon Regulation 854.

(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 July 6, 1960.

(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., July 10, 1960, and ending at 12:01 a.m., P.s.t., July 17, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 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: July 7, 1960.

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

[F.R. Doc. 60-6431; Filed, July 8, 1960; 9:02 a.m.]

PART 964—DRIED FIGS PRODUCED IN CALIFORNIA

Order Terminating the Provisions of Amended Marketing Agreement

This action is to terminate, effective August 1, 1960, Marketing Agreement No.

123, as amended, and Order No. 64, as amended (7 CFR Part 964), regulating the handling of dried figs produced in California (hereinafter referred to respectively as the "marketing agreement" and "order"), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674). The action is being taken, pursuant to section 8c(16)(B) of the act (7 U.S.C. 608c(16)(B)) and the applicable provisions of the marketing agreement and order, on the basis that such termination is favored by a majority of the producers of dried figs who during the 1959–60 crop year have been engaged in the production for market of dried figs in the State of California and that such majority have during such period produced for market more than 50 percent of the volume of such dried figs produced for market within the State of California.

The original marketing agreement and order were issued in March 1955 (20 F.R. 1685). The major regulatory provisions provide for the control of the quality and the volume of the dried figs handled. As contemplated at the time they were issued, the marketing agreement and order have operated in conjunction with the State of California Marketing Order for Dried Figs, as amended July 22, 1953; and the two programs have complemented each other pursuant to the provisions of section 10(i) of the act (7 U.S.C. 610(i)).

For some time the dried fig industry has given serious thought to termination of the marketing agreement and order and to operation only under the State order. On May 20, 1960, the Board of Directors of the California Fig Institute whose membership has for many years included all commercial producers of dried figs, recommended that the Federal program (i.e., the marketing agreement and order) be terminated. On May 24, 1960, the Board of Directors of Valley Fig Growers, a cooperative association whose membership consists of a substantial portion of the dried fig producers who produce a substantial portion of the dried figs produced in California, adopted a resolution favoring termination of the Federal program and declaring that, in the event of a referendum, Valley Fig Growers would vote its entire membership of producers in favor of termination. On June 1, 1960, the Dried Fig Administrative Committee, established under and for the purpose of administering the marketing agreement and order, also considered this matter of termination at an open meeting, and concluded that there existed an overwhelming majority of the entire dried fig industry in favor of such termination. It then unanimously recommended to the Secretary that the marketing agreement and order be terminated at the end of the current crop year (i.e., August 1, 1960). This committee represents the industry as a whole and consists of ten members, of whom five are handler representatives and five are producer representatives. The current members of the committee were recently elected by the groups they represent and selected by the Secretary to serve for a one-year term of office beginning June 1, 1960. They closely reflect the views of the persons whom they represent.

The actions related in the preceding paragraph as taken by the three different organizations are conclusive evidence that a large majority (by numbers and volume of dried fig production) of the producers of dried figs favor termination of the marketing agreement and order. Accordingly, it is hereby found that termination of the marketing agreement and order is favored by a majority of the producers of dried figs who during the crop year beginning August 1, 1959 (i.e., the representative period determined by the Secretary and specified in § 964.86(b) of the marketing agreement and order) have been engaged in the production for market of dried figs in the State of California, and that such majority have during such crop year produced for market more than 50 percent of the volume of such dried figs produced for market within said State.

It is, therefore, ordered, That Marketing Agreement No. 123, as amended, and this Part 964 (Order No. 64, as amended, and the rules and regulations thereunder), regulating the handling of dried figs produced in California, be and they hereby are, terminated, effective on August 1, 1960, pursuant to section 8c(16)(B) of the act (7 U.S.C. 608c(16)(B)) and the applicable provisions of the marketing agreement and order: *Provided,* That the procedure upon termination of the marketing agreement and order shall be as set forth in § 964.87.

It is hereby further found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice, engage in public rule making procedure, or postpone the announcement of this termination action later than July 15, 1960, or the effective date of this action later than August 1, 1960 (5 U.S.C. 1001–1011), in that: (1) This termination relieves restrictions on the handling of dried figs produced in California; (2) it is mandatory under the act and this regulatory program that the Secretary terminate the marketing agreement and order at the end of the current crop year whenever he finds that such termination is favored by the requisite majority of producers, and in order for such termination to be effective by August 1, 1960, the announcement of such termination must, under the act and the marketing agreement and order, be not later than July 15, 1960; and (3) such termination and announcement thereof should be effected as soon as practical so as to enable interested parties to arrange their future operations accordingly.

(Sec. 5, 48 Stat. 31, as amended; 7 U.S.C. 608c)

Dated: July 6, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-6394; Filed, July 8, 1960; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

[Docket No. AO16-A6]

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Order Amending Order, as Amended, Regulating Handling

§ 131.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act (7 U.S.C. 851 et seq.), and the rules of practice and procedure governing formulation of marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), public hearings were held at Kansas City, Missouri, on July 24, 1956, and at Chicago, Illinois, on July 21–22 and December 1–11, 1958, upon proposed amendments to the marketing agreement and the order regulating the handling of anti-hog-cholera serum and hog-cholera virus. Upon the basis of the evidence adduced at the hearings and the record thereof, it is found that:

(1) The said marketing agreement, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act; (2) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act; (3) The said order, as amended, and as hereby further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in a marketing agreement upon which a hearing has been held.

(c) *Determinations.* It is hereby determined that the agreement, amending the marketing agreement, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus, upon which a public hearing has been held, has been signed by handlers who, during the calendar year 1959, handled not less than 75 per centum of the volume of anti-hog-cholera serum and hog-cholera virus which was handled in the current of interstate or foreign commerce or so as directly to burden, ob-

struct, or affect interstate or foreign commerce.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of anti-hog-cholera serum and hog-cholera virus shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby amended as follows:

§ 131.8 [Amendment]

1. Amend § 131.8 by substituting (1) and (2) for (a) and (b) respectively, and place (a) just prior to the first sentence of the section and add the following at the end of such section:

(b) Notwithstanding the provisions of paragraph (a) of this section a person shall not be classified as a wholesaler, or shall be deleted from the list of qualified wholesalers maintained by the Control Agency, if such person or its subsidiary or affiliate, (1) owns or controls, either directly or indirectly, an interest, in whole or in part, in a dealer, or (2) appoints or utilizes any dealer as his agent in any matter related to the handling of serum or virus, or appoints or utilizes any dealer as a branch house or distributional outlet for serum or virus, either directly or indirectly, or (3) where an interest, in whole or in part, in such person is owned or controlled, either directly or indirectly, by any dealer or dealers: *Povided, however,* That if such person or its subsidiary or affiliate is a corporation, ownership both direct and indirect by dealers of a combined interest not to exceed 10 percent of the total outstanding stock of all classes of such corporation shall not disqualify such person for wholesaler status: *Provided, further,* That this paragraph shall not apply to a farmer cooperative association.

2. Add a new § 131.19 to read as follows:

§ 131.19 Farmer Cooperative Association.

"Farmer Cooperative Association" as used in this part means a cooperative association as defined in 12 U.S.C. sec. 1141j(a), including a federation of such cooperative associations and any corporate organization, organized under a cooperative law or operating on a cooperative plan, which is owned and controlled, directly or indirectly, by such farmer cooperative associations or a federation of the same.

3. Amend § 131.51 to read as follows:

§ 131.51 Filing of price list; suspension and cancellation thereof.

(a) Except as provided in § 131.57, each manufacturer and wholesaler handler shall file with the Secretary and the control agency a separate list of his selling prices in the United States, including terms of sale and discounts, to each class of buyer defined in this subpart or under the provisions thereof, other than those specified in § 131.55. Each such handler's prices, discounts, and terms of sale shall be uniform for all buyers in each classification of the trade as defined by the control agency pursuant to this subpart.

(b) Each manufacturer and wholesaler handler's prices shall be deemed not to be uniform for all buyers in each classification of trade if such handler or its subsidiary or affiliate pays, or agrees to pay, to any purchaser of serum or virus patronage dividends or patronage refunds based on such purchases, or pays, or agrees to pay, to any purchaser of serum or virus, refunds based on the volume of purchases of serum or virus, or pays or agrees to pay to any purchaser any other discount or refund not immediately ascertainable from a posted price at the time of sale, or bases upon patronage any payment, right or obligation, either directly, indirectly, prospectively, or retrospectively, or associates with or ties into a sale, or sales, directly, indirectly, prospectively or retrospectively, any consideration, right or obligation, the value of which is not immediately ascertainable from the posted price at the time of sale: *Provided, however,* That a farmer cooperative association may pay, or agree to pay, patronage dividends.

(c) If the Secretary has reason to believe that any price list, term of sale or discount, in whole or in part, violates the provisions of this section he may immediately suspend the effectiveness of such price list, term of sale or discount, in whole or in part, pending an investigation and shall report such suspension to the control agency, who shall in turn immediately notify the handler whose price filing has been suspended. The Secretary may declare a filed price, term of sale or discount, in whole or in part, to be ineffective, if, after an investigation and opportunity to be heard has been afforded the handler whose price filing is questioned, the Secretary finds from the facts presented during such investigation that such price list, term of sale or discount, in whole or in part, violates the provisions of this section.

4. Amend § 131.54 to read as follows:

§ 131.54 Offers, contracts, sales.

Except as provided in § 131.57, each manufacturer and wholesaler handler shall make no sales unless he has an effective price list, including discounts and terms of sales, as set forth in § 131.51, filed with the control agency. No manufacturer or wholesaler handler shall make any bid, or offer to sell, or enter into an agreement or contract to sell serum or virus, or in any manner sell serum or virus at prices, discounts, or terms of sale different from those set forth in his filed price list which is effective at the time any such bid, offer, agreement, contract, sale or delivery is made. No manufacturer or wholesaler handler or its subsidiary or affiliate shall pay, or agree to pay, to any purchaser of serum or virus, patronage dividends or patronage refunds based on such purchases; or shall pay or agree to pay, to any purchaser of serum or virus refunds based on the volume of purchases of serum or virus; or shall pay, or agree to pay, to any purchaser any other discount or refund not immediately ascertainable from a posted price at the time of sale; or shall base upon patronage any payment, right or obligation, either directly, indirectly, prospectively or retrospectively; or shall associate with or tie into a sale, or sales, directly, indirectly, prospectively or retrospectively, any consideration, right or obligation, the value of which is not immediately ascertainable from the posted price at the time of sale: *Provided, however,* That a farmer cooperative association may pay or agree to pay patronage dividends. No manufacturer or wholesaler handler shall file a new or amended price list until his most recently filed price list for any class of buyers becomes effective, and no such handler shall withdraw any filed price list prior to the effective date of such price list.

5. Add a new § 131.57 to read as follows:

§ 131.57 Purchases by manufacturers.

A manufacturer of serum or virus may purchase serum or virus from another manufacturer at a negotiated price. Such purchaser shall not sell or offer for sale the purchased product to wholesalers, dealers or consumers at prices (including discounts and terms of sale) lower than the currently effective posted prices for such classes of purchasers of the manufacturer from whom he purchased such product: *Provided, however,* That in the event such purchaser purchases the same product from two or more manufacturers said purchaser shall not sell or offer for sale such purchased product to wholesalers, dealers or consumers at prices (including discounts and terms of sale) lower than the highest effective prices currently posted by his suppliers for wholesalers, dealers, and consumers. The prices, discounts and terms of sale filed by a manufacturer-buyer for serum or virus shall be uniform for all buyers in each classification of the trade regardless of whether it is of his own manufacture or has been purchased from one or more other manufacturer-handlers.

6. Add a new § 131.58 to read as follows:

§ 131.58 Manufacturer handling.

A manufacturer-handler or its subsidiary or affiliate is prohibited from selling serum or virus to or through any wholesaler or dealer which such manufacturer or its subsidiary or affiliate appoints or utilizes as his agent in any matter related to the handling of serum or virus, either directly or indirectly, or which such manufacturer or its subsidiary or affiliate appoints or utilizes as a branch house or distributional outlet for serum or virus, either directly or indirectly, or in which such manufacturer, its subsidiary or affiliate, owns or controls an interest, either direct or indirect, or

which such manufacturer or its subsidiary or affiliate utilizes in any other manner in the handling of serum or virus.

7. Add a new § 131.60 to read as follows:

§ 131.60 Patronage dividends and refunds.

The payment of, or agreement to pay, patronage dividends or patronage refunds based on purchases of serum or virus to the purchaser thereof, or the payment of, or agreement to pay, refunds based on the volume of purchases of serum or virus to the purchaser thereof, or the payment of, or agreement to pay, to any purchaser of serum or virus any other discount or refund not immediately ascertainable from the applicable posted price at the time of sale; or basing upon patronage any payment, right or obligation, either directly, indirectly prospectively or retrospectively; or associating with or tieing into a sale, or sales, directly, indirectly, prospectively or retrospectively, any consideration, right or obligation, the value of which is not immediately ascertainable from the posted price at the time of sale, by manufacturer and wholesaler handlers or their subsidiaries or affiliates is prohibited: *Provided, however,* That a farmer cooperative association may pay, or agree to pay, patronage dividends.

§ 131.71 [Amendment]

8. Add a new paragraph (j) to § 131.71 to read as follows:

(j) The payment of, or agreement to pay, patronage dividends, patronage refunds, refunds based on the volume of purchases of serum or virus or other discounts, or refunds not immediately ascertainable from a posted price at the time of sale; or basing upon patronage any payment, right or obligation, either directly, indirectly, prospectively or retrospectively; or associating with or tieing into a sale, or sales, directly, indirectly, prospectively, or retrospectively, any consideration, right or obligation, the value of which is not immediately ascertainable from the posted price at the time of sale; excepting, however, the payment of or agreement to pay, patronage dividends by a farmer cooperative association.

(49 Stat. 781–782; U.S.C. 851–855)

The provisions of this amendatory order shall become effective 30 days after publication in the FEDERAL REGISTER; except that those provisions pertaining to the payment of patronage dividends contained in §§ 131.51, 131.54, 131.60 and 131.71(j) shall become effective on January 1, 1961.

Done at Washington, D.C., this 5th day of July 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60–6275; Filed, July 8, 1960; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 386; Amdt. 178]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D and 810 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator by amending Amendment 97, 25 F.R. 902, Vickers Viscount 745D and 810 Series aircraft was published in 25 F.R. 4289.

Interested persons have been afforded an opportunity to participate in the making of the amendment which consisted of adding a modification of the main landing gear uplock release mechanism. No objections were received.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is hereby amended as follows:

Amendment 97, Vickers Viscount 745D and 810 Series aircraft, as it appeared in 25 F.R. 902 is amended by adding a new paragraph (d) as follows, effective August 1, 1960:

(d) Prior to August 1, 1961, incorporate the following parts or equivalent in the main landing gear uplock mechanism in accordance with Vickers Modification Bulletin D–2954 and FG. 1745, Issue 2:

(1) Strengthened steel uplock lever.
(2) Spring loaded actuating rod.
(3) Hydraulic release for uplock.

The inspections required by (a), (b), and (c) are no longer required after accomplishing this modification.

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

Issued in Washington, D.C., on July 5, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60–6347; Filed, July 8, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–LA–48]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation, Modification and Revocation of Federal Airways and Associated Control Areas

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1963) stating that the Federal Aviation Agency was proposing the following actions: Extension of VOR Federal airway No. 95 and its associated control areas from Farmington, N. Mex., to Kiowa, Colo.; extension of VOR Federal airway No. 89 and its associated control areas from Denver, Colo.; to Alamosa, Colo.; revoke the segment of VOR Federal airway No. 81 and its associated control areas between Grand Junction, Colo., and Salt Lake City, Utah; designate VOR Federal airway No. 484 and its associated control areas from Alamosa to Salt Lake City; and designate VOR Federal airway No. 486 and its associated control areas from Tuba City, Ariz., to Gunnison, Colo.

Although not mentioned in the notice, the revocation of Victor 81 between Grand Junction and Salt Lake City requires an amendment to § 601.1118 which describes the Grand Junction, Colo., control area extension. Additionally, the Parker Restricted Area (R–195) was revoked in Airspace Docket No. 59–LA–65 (24 F.R. 9420) and reference to this restricted area in the description of Victor 81 is no longer required. Moreover, the actions taken herein require changes be made to the captions of §§ 600.6081 and 601.6081 contained in Airspace Docket No. 59–WA–351 (25 F.R. 3155), which is effective August 25, 1960.

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.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, the following actions are taken:

1. Part 600 (24 F.R. 10487) is amended by adding the following:

§ 600.6484 VOR Federal airway No. 484 (Salt Lake City, Utah, to Alamosa, Colo.).

From the Salt Lake City, Utah, VORTAC via Myton, Utah, VOR; Grand Junction, Colo., VORTAC; Gunnison, Colo., VOR, including a S alternate via the INT of the Grand Junction VORTAC 129° True and the Gunnison VOR 264° True radials; INT of the Gunnison VOR 110° True and the Alamosa, Colo., VOR 339° True radials; to the Alamosa VOR.

§ 600.6486 VOR Federal airway No. 486 (Tuba City, Ariz., to Gunnison, Colo.).

From the Tuba City, Ariz., VOR via the Dove Creek, Colo., VORTAC; to the Gunnison, Colo., VOR.

2. Section 600.6081 (24 F.R. 10514, 25 F.R. 3155) is amended to read:

§ 600.6081 VOR Federal airway No. 81 (Midland, Tex., to Denver, Colo.).

From the Midland, Tex., VOR via the Lubbock, Tex., VORTAC; Amarillo, Tex., VORTAC, including an E alternate; Dalhart, Tex., VOR, including an E alternate; Tobe, Colo., VORTAC, including a W alternate from Dalhart VOR to the Tobe VORTAC via the Clayton, N. Mex.,

VOR; Pueblo, Colo., VORTAC; Colorado Springs, Colo., VORTAC; INT of the Colorado Springs VORTAC 345° True and the Denver, Colo., VORTAC 183° True radials; to the Denver VORTAC.

3. Section 600.6089 (24 F.R. 10514, 9936; 25 F.R. 2009, 5480) is amended to read:

§ 600.6089 VOR Federal airway No. 89 (Alamosa, Colo., to Chadron, Nebr.).

From the Alamosa, Colo., VOR via the INT of the Alamosa VOR 005° True and the Denver, Colo., VORTAC 207° True radials; Denver VORTAC; Cheyenne, Wyo., VORTAC, including an E alternate via the Gill, Colo., VOR and the INT of the Gill 003° True and the Cheyenne VORTAC 131° True radials; to the Chadron, Nebr., VOR, including an E alternate via the Scottsbluff, Nebr., VORTAC.

4. Section 600.6095 (24 F.R. 10514) is amended to read:

§ 600.6095 VOR Federal airway No. 95 (Phoenix, Ariz., to Kiowa, Colo.).

From the Phoenix, Ariz., VORTAC via the INT of the Phoenix VORTAC 004° True and the Winslow, Ariz., VOR 224° True radials; Winslow VOR; Farmington, N. Mex., VORTAC; Gunnison, Colo., VOR; to the Kiowa, Colo., VORTAC.

5. Part 601 (24 F.R. 10530) is amended by adding the following:

§ 601.6484 VOR Federal airway No. 484 control areas (Salt Lake City, Utah, to Alamosa, Colo.).

All of VOR Federal airway No. 484 including a south alternate.

§ 601.6486 VOR Federal airway No. 486 control areas (Tuba City, Ariz., to Gunnison, Colo.).

All of VOR Federal airway No. 486.

6. Section 601.6081 (24 F.R. 10600) is amended to read:

§ 601.6081 VOR Federal airway No. 81 control areas (Midland, Tex., to Denver, Colo.).

All of VOR Federal airway No. 81 including E alternates and a W alternate.

7. Section 601.6089 (24 F.R. 10600) is amended to read:

§ 601.6089 VOR Federal airway No. 89 control areas (Alamosa, Colo., to Chadron, Nebr.).

All of VOR Federal airway No. 89 including E alternates.

8. Section 601.6095 (24 F.R. 10600) is amended to read:

§ 601.6095 VOR Federal airway No. 95 control areas (Phoenix, Ariz., to Kiowa, Colo.).

All of VOR Federal airway No. 95.

9. Section 601.1118 (24 F.R. 10553) is amended to read:

§ 601.1118 Control area extension (Grand Junction, Colo.).

Within 5 miles either side of a line bearing 305° True extending from Walker Airport, Grand Junction, Colo., to its intersection with VOR Federal airway No. 484.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 5, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6348; Filed, July 8, 1960; 8:45 a.m.]

[Airspace Docket No. 60-FW-43]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

The purpose of this amendment to § 601.2249 of the regulations of the Administrator is to modify the Corpus Christi, Tex., control zone.

The present Corpus Christi, control zone is designated within a 3-mile radius of Cliff Maus Airport, Corpus Christi, within 2 miles either side of the northwest course of the Corpus Christi radio range extending from the radio range to the Odem fan marker, and within 2 miles either side of the Corpus Christi VOR 178° and 358° True radials extending from the 3-mile radius zone to a point 10 miles north of the VOR.

The city of Corpus Christi has advised the Federal Aviation Agency that aircraft operations presently conducted at Cliff Maus Airport are to be moved to the new International Airport at Corpus Christi August 8, 1960, thus it is necessary to designate a control zone at Corpus Christi International Airport coincident with commencement of operations so that air traffic control service may be exercised to provide protection for instrument approaches to the airport. The Federal Aviation Agency is modifying the Corpus Christi control zone by redesignating the control zone within a 5-mile radius of the new Corpus Christi International Airport, within 2 miles either side of the 135° True bearing from the Corpus Christi International Airport ILS outer marker compass locator (latitude 27°50'04" N., longitude 97°34'34" W.), extending from the 5-mile radius zone to the ILS outer marker compass locator and within 2 miles either side of the 199° True radial of the Corpus Christi VOR extending from the 5-mile radius zone to the VOR. Concurrent with this action, the ADF and VOR instrument approach procedures to Cliff Maus Airport will be canceled.

This action will result in the Corpus Christi control zone being redesignated within a 5-mile radius of Corpus Christi International Airport (latitude 27°46'00" N., longitude 97°30'00" W.), within 2 miles either side of the 135° True bearing from the Corpus Christi International Airport ILS outer marker compass locator extending from the 5-mile radius zone to the outer marker compass locator and within 2 miles either side of the Corpus Christi VOR 199° True radial extending from the 5-mile radius zone to the VOR. The redescribed control zone is approximately 43 square miles less than the existing control zone at Cliff Maus Airport.

For the reasons stated above, the Administrator finds that a situation exists requiring immediate action in the interest of safety and that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) the following action is taken:

Section 601.2249 (24 F.R. 10583) is amended to read:

§ 601.2249 Corpus Christi, Tex., control zone.

Within a 5-mile radius of Corpus Christi International Airport (latitude 27°46'00" N., longitude 97°30'00" W.), within 2 miles either side of the 135° True bearing from the Corpus Christi International Airport ILS OM extending from the 5-mile radius zone to the OM and within 2 miles either side of the Corpus Christi VOR 199° True radial extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t. August 8, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 7, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6397; Filed, July 8, 1960; 8:51 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

Fee Structures for Unpublished Data and Enumeration District Maps From 1960 Census of Population and Housing

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing of this schedule of fees and postponement of the effective date thereof is impracticable and unnecessary for the reason that such procedure, because of the nature of the rules, serves no useful purpose.

In accordance with the provisions of the act authorizing the Department of Commerce to make special statistical surveys and studies, and to perform other specified services upon the payment of the cost thereof, the following fee structures are hereby established. No tran-

script of any record will be furnished under authority of these acts which would violate existing or future acts requiring that information furnished be held confidential.

§ 50.30 Fee structure for unpublished data from the 1960 Population and Housing Census.

(a) The Bureau of the Census is willing to furnish from the 1960 Census of Population and Housing certain data by census tracts and enumeration districts in advance of publication or from tabulations not to be published, provided there is no serious interruption of the Bureau's regular work program. Specific fees and approximate dates of availability are set for certain kinds of data as listed below. Other special tabulations of data may be arranged by requesting a special cost estimate.

Data available	Date of availability	Fee
1. Preliminary counts of total population and housing units by enumeration districts—copies of forms containing unverified counts made in field offices (subject to minor revisions).	After July 1, 1960	$1.00 per 75,000 population or fraction thereof.
2. Census tract composition by enumeration district—copies of listings of enumeration districts (ED's) in census tracts for converting ED data to tract totals.	do	$2.00 per 100 tracts or fraction thereof.
3. Preliminary counts of population and housing units by census tracts—copies of hand-posted sheets showing census tract totals.	do	$1.00 per tract.
4. Final counts of total population and housing units by enumeration districts—copies of sheets showing final counts and additional sheets showing ED identification by minor civil division and place.	October through December 1960, and thereafter.	$1.25 per 75,000 population or fraction thereof.
5. Selected population and housing characteristics by census tracts—copies of advance data from complete count tabulation relating to age, sex, color, marital status, and relationships; housing units by tenure, color, and vacancy status, condition and plumbing, number of rooms, number of persons and number of persons per room, value of property, and contract rent.	do	$3.50 per 100 tracts or fraction thereof.

§ 50.35 Fee structure for enumeration district maps.

(a) The Bureau of the Census is willing to furnish maps of municipalities and unincorporated places showing boundaries of enumeration districts. Some are available now and all are expected to be available by the end of July. Following is the fee structure:

Population size (1960 Census)	*Fee*[1] *(each)*
Less than 25,000	$1.50
25,000–49,999	2.50
50,000–100,000	4.00
Each additional 100,000 or fraction thereof	2.50

[1] Minimum order, $5.00. Cost based on individual places, not on aggregate size of two or more places. Slight additional charge for estimate prepared by the Bureau of the Census. Information as to availability and costs of additional maps not described herein may be obtained by writing to the Director.

To obtain the data or maps, write a letter to the Director, Bureau of the Census, Washington 25, D.C., enclosing a check based on the appropriate fee structure and made payable to Census, Department of Commerce.

(Sec. 3, 49 Stat. 293, as amended; 15 U.S.C. 192a. Interprets or applies sec. 1, 40 Stat. 1256, as amended, sec. 1, 49 Stat. 292, sec. 8, 68 Stat. 1013, as amended, 15 U.S.C. 192, 189a, 13 U.S.C. 8)

ROBERT W. BURGESS,
Director,
Bureau of the Census.

[F.R. Doc. 60-6349; Filed, July 8, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7789 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Bachmann Bros., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin:* § 13.1325–70 *Place:* § 13.1325–70(g) *Imported product or parts as domestic.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900–35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bachmann Bros., Inc., et al., Philadelphia, Pa., Docket 7789, June 16, 1960]

In the Matter of Bachmann Bros., Inc., a Corporation, and J. Chester Crowther, Walter F. Newby, Albert H. Redles, and Bayard H. Crowther, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Philadelphia distributors with representing falsely that imported products were made in the United States, through such practices as printing "Manufactured by Bachmann Bros., Inc., * * *" on display cards attached to their Japanese-made "Champion" sunglasses, and through failing to mark cases enclosing the sunglasses with the country of origin.

Accepting an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Bachmann Bros. Inc., a corporation, and its officers, and J. Chester Crowther, Walter F. Newby, Albert H. Redles and Bayard H. Crowther, individually and as officers of said corporation, and respondents' officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sunglasses or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that a product manufactured in a foreign country is manufactured in the United States.

2. Representing, directly or by implication, that respondents, or any of them, manufacture a product, when it is manufactured by others.

3. Offering for sale or selling any product which is in whole or substantial part of foreign origin, without clearly and conspicuously disclosing on such product, and if such product is enclosed in a package or container, on the package or container, or if displayed on cards, upon such cards, in a manner that it will not be hidden or readily obliterated, the country of origin thereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

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

Issued: June 16, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-6352; Filed, July 8, 1960; 8:46 a.m.]

[Dockets 7738 c.o., etc.]

PART 13—PROHIBITED TRADE PRACTICES

James H. Martin, Inc., et al.

James H. Martin, Inc., et al. (Docket 7738 c.o.); M. S. Distributing Company

et al. (Docket 7745 c.o.); Gone Recording Corp. et al. (Docket 7766 c.o.); Herald Music Corp. et al. (Docket 7777 c.o.); United Artists Records, Inc. (Docket 7804 c.o.); All-State New Jersey, Inc., et al. (Docket 7805 c.o.); and A–1 Record Distributors, Inc., et al. (Docket 7752 c.o.).

Subpart—Bribing customers' employees: § 13.315 *Employees of private concerns.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist orders, James H. Martin, Inc., et al., Chicago, Ill., Docket 7738, May 26, 1960; M. S. Distributing Company, et al., Chicago, Ill., Docket 7745, May 19, 1960; Gone Recording Corp. et al., New York, N.Y., Docket 7766, June 1, 1960; Herald Music Corp. et al., New York, N.Y., Docket 7777, May 26, 1960; United Artists Records, Inc., New York, N.Y., Docket 7804, May 19, 1960; All-State New Jersey, Inc., et al., Newark, N.J., Docket 7805, May 12, 1960; and A–1 Record Distributors, Inc., et al., New Orleans, La., Docket 7752, May 26, 1960]

In the Matters of James H. Martin, Inc., a Corporation; Music Distributors, Inc., a Corporation; and James H. Martin, Individually, and as Officer of Said Corporations; M. S. Distributing Company, a Corporation, and Milton T. Salstone, and M. G. McDermott, Individually, and as Officers of Said Corporation; Gone Recording Corp., a Corporation, End Music, Inc., a Corporation, and George Goldner, and Jack Waxman, Individually, and as Officers of Said Corporations, and as Co-Partners, Trading as Co-Op Distributing Company, and Jerome G. Roth, Individually, and as Co-Partner, Trading as Co-Op Distributing Company; Herald Music Corp., a Corporation, Ember Records, Inc., a Corporation, Ember Distributors, Inc., a Corporation, and Al Silver, and Jack Braverman, Individually, and as Officers of Said Corporation; United Artists Records, Inc., a Corporation; All-State New Jersey, Inc., a Corporation, and Melvin Koenig, Sidney Koenig, Sherman Koenig, and Irwin R. Fink, Individually, and as Officers of Said Corporation; and A–1 Record Distributors, Inc., a Corporation, Joseph J. Banashak, and Bobbie G. Banashak, Individually and as Officers of Said Corporation

These cases were heard by hearing examiners on complaints of the Commission charging manufacturers and distributors of phonograph records with giving concealed "payola" to television and radio disc jockeys to induce playing their records in order to increase sales.

Accepting consent agreements, the hearing examiners made their initial decisions and orders to cease and desist which became in due course the decisions of the Commission.

The orders to cease and desist, combining the respondents in these seven cases, are as follows:

It is ordered, That respondents James H. Martin, Inc., a corporation, and Music Distributors, Inc., a corporation, and their officers, and James H. Martin, individually, and as an officer of said corporations; M. S. Distributing Company, a corporation, and its officers, and Milton T. Salstone and M. G. McDermott, individually and as officers of said corporation; Gone Recording Corp., a corporation, and End Music, Inc., a corporation, and their officers, and George Goldner and Jack Waxman, individually, and as officers of said corporations, and as co-partners, trading as Co-Op Distributing Company, or by any other name, and Jerome G. Roth, individually, and as co-partner, trading as Co-Op Distributing Company, or by any other name; Herald Music Corp., a corporation, Ember Records, Inc., a corporation, and Ember Distributors, Inc., a corporation, and their officers, and respondents Al Silver and Jack Braverman, individually and as officers of said corporations; United Artists Records, Inc., a corporation, and its officers; All-State New Jersey, Inc., a corporation, and its officers, and Melvin Koenig, Sidney Koenig, Sherman Koenig and Irwin R. Fink, individually, and as officers of said corporation; and A–1 Record Distributors, Inc., a corporation, and its officers, and respondents Joseph J. Banashak and Bobbie G. Banashak, individually and as officers of said corporation; and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with phonograph records which have been distributed, in commerce, or which are used by radio or television stations in broadcasting programs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Giving or offering to give, without requiring public disclosure, any sum of money or other material consideration, to any person, directly or indirectly, to induce that person to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature;

(2) Giving or offering to give, without requiring public disclosure, any sum of money, or other material consideration, to any person, directly or indirectly, as an inducement to influence any employee of a radio or television broadcasting station, or any other person, in any manner, to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature.

There shall be "public disclosure" within the meaning of this order, by any employee of a radio or television broadcasting station, or any other person, who selects or participates in the selection and broadcasting of a record when he shall disclose, or cause to have disclosed, to the listening public at the time the record is played, that his selection and broadcasting of such record are in consideration for compensation of some nature, directly or indirectly received by him or his employer.

By "Decision of the Commission", etc., in each case, reports of compliance were required as follows:

It is ordered that the respondents herein shall within sixty (60) days after service upon them of these orders, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued May 12, 1960, May 19, 1960, May 26, 1960, May 27, 1960, June 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60–6353; Filed, July 8, 1960; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950– ——)

Filing of Applications, Requests and Notices, and Submittal of Evidence to the Veterans' Administration

Regulations No. 4, as amended (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.602 is amended to read as follows:

§ 404.602 Prescribed application forms.

Applications shall be made as provided in this Subpart G and on such forms and in accordance with such instructions (provided thereon or attached thereto) as are prescribed by the Administration.

2. Section 404.605 is amended to read as follows:

§ 404.605 Place of filing applications.

Applications shall be filed (in person, by mail, or otherwise) at an office of the Bureau or with an employee of the Social Security Administration who has been duly authorized to receive such applications at a place other than such office except that:

(a) In cases of applicants who are not in the United States, such applications may be filed at an office maintained by the Foreign Service of the United States, and in cases of applicants in the Philippines, at the Veterans' Administration Regional Office in the Philippines, or with an employee of the Veterans' Administration authorized to receive such applications at a place other than such office; or

(b) In cases of applicants who file applications to establish periods of disability under section 216(i) of the act on behalf of any individuals (including such applicants) having 10 or more years of service in the railroad industry (see Subpart O of this part) or entitled to annuities on the basis of awards under the Railroad Retirement Act prior to October 30, 1951, such applications may be filed at an office of the Railroad Retirement Board.

3. Section 404.608 is amended to read as follows:

§ 404.608 When an application is considered to have been filed.

(a) *Date of receipt.* Except as otherwise provided in this Subpart G an application is considered to have been filed only as of the date the application is received at an office of the Bureau or by an employee of the Social Security Administration who has been authorized to receive such application at a place other than such office except that:

(1) In cases where the application may be and is submitted to an office maintained by the Foreign Service of the United States (see § 404.605(a)) the application shall be considered to have been filed with the Bureau as of the date it is received at such office of the Foreign Service.

(2) In cases where the application is submitted to the Veterans' Administration Regional Office in the Philippines, or to an employee of the Veterans' Administration authorized to receive such application at a place other than such office (see § 404.605(a)), the application shall be considered to have been filed with the Bureau as of the date such application is received at such office of the Veterans' Administration or by such authorized employee.

(3) In cases of claimants having 10 or more years of service in the railroad industry (see Subpart O of this part), or entitled to annuities on the basis of awards under the Railroad Retirement Act prior to October 30, 1951, who file with an office of the Railroad Retirement Board applications to establish periods of disability under section 216(i) of the act, the applications shall be considered to have been filed with the Bureau as of the date the application is received at such office of the Railroad Retirement Board.

(4) In case of applications filed with the Veterans' Administration on forms prescribed in section 3005 of title 38 United States Code (see § 404.611a) by or on behalf of an individual who would, upon filing a proper application therefor with the Bureau, be entitled to child's insurance benefits (see § 404.312), widow's insurance benefits (see § 404.319) mother's insurance benefits (see § 404.325), or parent's insurance benefits (see § 404.328) as the case may be, such applications shall be considered to have been filed with the Bureau as of the date of filing determined by the Veterans' Administration.

(b) *Date of mailing.* If the application is deposited in and transmitted by the United States Mail and the fixing of the date of delivery as the date of filing would result in a loss or impairment of benefit rights, the application will be considered to have been received as of the date of mailing (except in cases described in subparagraph (4) of paragraph (a) of this section). The date appearing on the postmark (when available and legible) shall be prima facie evidence of the date of mailing.

4. Section 404.610 is amended to read as follows:

§ 404.610 Execution and filing of requests and notices.

(a) *Execution of requests and notices.* Except as otherwise provided in this part any request for a determination or decision relating to a person's right to monthly benefits, the establishment of a period of disability, a lump-sum death payment, or a recomputation of a primary insurance amount, or relating to the revision of records of earnings, or any notice, provided for by the regulations in this part shall be in writing and shall be signed by the person authorized to execute an application under § 404.603.

(b) *Place and filing of requests and notices.* Such request and notices, described in paragraph (a) of this section, shall be filed at an office of the Bureau or with an employee of the Social Security Administration who is authorized to receive them at a place other than such office; except that:

(1) In cases of persons who are not in the United States, such requests and notices may be filed at an office maintained by the Foreign Service of the United States and, in cases of persons who are in the Philippines, at the Veterans' Administration Regional Office in the Philippines, or with an employee of the Veterans' Administration authorized to receive such requests and notices at a place other than such office; or

(2) In cases of persons having 10 or more years of service in the railroad industry (see Subpart O of this part) or of persons entitled to annuities on the basis of awards under the Railroad Retirement Act prior to October 31, 1951, who have filed applications to establish periods of disability under section 216(i) of the act, requests and notices with respect to such applications may be filed at an office of the Railroad Retirement Board.

5. A new § 404.611a is added after § 404.611 to read as follows:

§ 404.611a Effect of applications filed with the Veterans' Administration.

Notwithstanding any provision to the contrary in the regulations in this part, any application which is filed with the Administrator of Veterans' Affairs on or after January 1, 1957, on a form prescribed in section 3005 of title 38, United States Code, shall be considered an application for child's insurance benefits (see § 404.312), widow's insurance benefits (see § 404.319), mother's insurance benefits (see § 404.325), or parent's insurance benefits (see § 404.328), as the case may be.

6. Section 404.613 is amended to read as follows:

§ 404.613 Written statement considered an application on a prescribed form.

(a) *Written statement filed by claimant.* Where a claimant files with the Bureau (or, in the case of a claimant who is not in the United States, files with an office maintained by the Foreign Service of the United States or, in the case of a claimant who is in the Philippines, files with the Veterans' Administration Regional Office in the Philippines) a written statement which indicates an intention to claim monthly benefits or a lump-sum death payment, or a recomputation of a primary insurance amount, or to establish a period of disability, and such statement bears his signature or his mark properly witnessed, such claimant shall, unless he otherwise indicates, be deemed to have "filed an application" for the purpose of section 202, or 216(i) or 223 of the act or for a recomputation of a primary insurance amount, as appears from such written statement. No initial determination, as required by § 404.905 shall be made by the Bureau with respect to such written statement until the claimant files an application on a form prescribed in § 404.602. The Bureau, or the Veterans' Administration Regional Office in the Philippines, as the case may be, shall notify the claimant in writing that an initial determination will be made with respect thereto only if a prescribed application form is filed within 6 months from the date of such notification. If the claimant does not file such prescribed application form within such 6-month period, the claimant shall be deemed to have indicated that the filing of such written statement is not to be considered the filing of an application for purposes of section 202, or 216(i) or 223 of the act or a recomputation of a primary insurance amount, as appears from such written statement.

(b) *Written statement filed by person other than the claimant.* The provisions of paragraph (a) of this section shall apply to a written statement filed by an individual on behalf of the claimant if:

(1) Such statement meets the conditions of such paragraph (a) and contains the signature of such individual or his mark properly witnessed; and

(2) The individual is the spouse of the claimant or the proper party to execute an application on a prescribed form on behalf of the claimant, as determined by § 404.603; and

(3) The claimant (other than an equitably entitled estate) is alive at the time such application on a prescribed form (§ 404.602) is filed.

7. Section 404.615 is amended to read as follows:

§ 404.615 Withdrawal of applications and requests for revision of records of earnings.

An application or a request for revision of records of earnings of the Administration filed by a claimant or on his behalf by a person authorized to execute an application under § 404.603 may be withdrawn only if the claimant or such other person files a written notice of such withdrawal and such notice is filed on or before the date of the Bureau's determination upon such application or request. Thereafter, further action will be taken only upon the filing of a new application or request.

8. Section 404.615a is added following § 404.615, to read as follows:

§ 404.615a Place of filing of notice of withdrawal.

The notice of withdrawal described in § 404.615 shall be filed within the prescribed time at an office of the Bureau or with an employee of the Social Security Administration who is authorized to receive such notices at a place other than such office, except that:

(a) In the case of individuals not in the United States the notice of withdrawal may be filed at an office maintained by the Foreign Service of the United States or in the case of individuals in the Philippines, at the Veterans' Administration Regional Office in the Philippines, or with an employee of the Veterans' Administration authorized to receive such notices at a place other than such office; or

(b) In the case of individuals having 10 or more years of service in the railroad industry (see Subpart O of this part) or entitled to annuities on the basis of awards under the Railroad Retirement Act prior to October 30, 1951, who have filed applications to establish periods of disability under section 216(i) of the act, notice of withdrawal of such applications may be filed at an office of the Railroad Retirement Board.

9. Paragraph (d) of § 404.701 is amended to read as follows:

§ 404.701 Evidence as to right to receive monthly benefits and lump-sum death payments.

* * * * *

(d) *Place and manner of submitting evidence.* Evidence in support of an application shall be filed at an office of the Bureau or with an employee of the Social Security Administration authorized to receive such evidence at a place other than such office; except that in cases of persons who are not in the United States such evidence may be filed at an office maintained by the Foreign Service of the United States or, in case of persons in the Philippines, at the Veterans' Administration Regional Office in the Philippines, or with an employee of the Veterans' Administration authorized to receive such evidence at a place other than such office. Such evidence may be submitted as part of the application form if the form provides for its inclusion, or it may be submitted in addition to such form and in the manner indicated by the regulations in this Subpart H.

10. Paragraphs (f) and (g) are added after paragraph (e) of § 404.701 to read as follows:

§ 404.701 Evidence as to right to receive monthly benefits and lump-sum death payments.

* * * * *

(f) *Evidence filed with Veterans' Administration.* When applications are made for benefits under Chapter 13 of title 38 of the United States Code which are also applications for survivors benefits under title II of the Social Security Act (see § 404.611a) information and supporting documents, or certifications thereof (see paragraph (g) of this § 404.701) submitted to the Veterans' Administration may be used in determining initial or continuing entitlement to such benefits payable under title II of the Social Security Act. The Social Security Administration may request the applicant or any other individual to furnish such additional evidence as it may consider necessary.

(g) *Certification of evidence by authorized individual.* In cases where a copy of a record, document, or other evidence, or an excerpt of information therefrom, is acceptable as evidence in lieu of the original, such copy or excerpt shall, except as may otherwise clearly be indicated, be certified as a true and exact copy or excerpt by:

(1) The official custodian of any such record; or

(2) An employee of the Social Security Administration authorized to make certifications of any such evidence; or

(3) An employee of the Veterans' Administration authorized to make such certifications in cases:

(i) Where such evidence is submitted or obtained in connection with an application for benefits under Chapter 13 of title 38, United States Code (see paragraph (f) of this section), or

(ii) where an individual in the Philippines has submitted evidence to the Veterans' Administration Regional Office in the Philippines, or to an employee of the Veterans' Administration authorized to receive such evidence at a place other than such office.

11. Section 404.703 is amended to read as follows:

§ 404.703 Evidence as to age.

(a) *When required.* Except when the Administration on the basis of information in its records, is satisfied that the date of birth stated in the application is substantially correct, an applicant for benefits shall file supporting evidence showing the date of his birth if his age is a condition of entitlement or is otherwise relevant to the payment of benefits. Such evidence may also be required by the Administration as to the age of any other individual when such other individual's age is relevant to the determination of the applicant's entitlement:

(b) *Evaluation of evidence.* In determining the weight to be given to evidence offered to prove age, consideration will be given to its general probative value and to its position in the following enumeration:

(1) Public record of birth;

(2) Church record of birth or baptism;

(3) Census Bureau notification of registration of birth;

(4) Hospital birth record or certificate;

(5) Flyttningsbetyg or similar foreign record;

(6) Physician's or midwife's record of the individual's birth;

(7) Certification, on approved form, of Bible or other family record of the individual's birth;

(8) Naturalization record;

(9) Immigration record;

(10) Military record;

(11) Passport;

(12) School record;

(13) Vaccination record;

(14) Insurance policy;

(15) Labor union or fraternal organization records;

(16) Marriage record; or

(17) Other evidence of probative value.

(c) *Certified copy in lieu of original.* In lieu of the original of any record, except a Bible or other family record, there may be submitted as evidence of age a copy of such record or a statement as to the date of birth shown by such record, which has been duly certified (see § 404.701(g)).

(d) *When additional evidence may be required.* If the evidence submitted is of recent origin or is not convincing, additional evidence may be required.

12. Section 404.704 is amended to read as follows:

§ 404.704 Evidence as to death.

(a) *When required.* An applicant for monthly benefits or a lump-sum death payment based upon the earnings of a deceased individual shall file supporting evidence as to the death of such individual and as to the time and place of such death. Such evidence may also be required by the Administration as to the death of any other individual when such other individual's death is relevant to the determination of the applicant's entitlement.

(b) *Type of evidence to be submitted.* Such evidence shall be of the following character:

(1) A certified copy of the public record of death, coroner's report of death, or verdict of the coroner's jury of the State or community where death occurred, or a certificate by the custodian of the public record of death or a statement of the contents of the record of death certified by an individual designated in § 404.701(g) (2) or (3), as appropriate; or

(2) A statement of the funeral director, attending physician, or intern of the institution where death occurred; or

(3) A certified copy of an official report or finding of death made by any agency or department of the United States which is authorized or requested to make such report or finding in the administration of any law of the United States, or a statement of the contents of such report or finding certified by an individual designated in §404.701(g) (2) or (3), as appropriate: *Provided, however,* That a finding of presumptive death made pursuant to section 5 of the Missing Persons Act (56 Stat. 143, 50 U.S.C. App. 1005), as amended, shall be accepted only as evidence of the fact of death and not of the date of death.

(4) If none of the evidence described in paragraph (b) (1), (2), and (3) of this § 404.704 is obtainable, the reason therefor shall be stated and the applicant may submit:

(i) The signed statements of two or more persons having personal knowledge of the death, setting forth the facts and circumstances as to the place, date, and cause of death; or

(ii) Other evidence of probative value.

(c) *Where death occurs outside the United States.* If death occurs outside the United States there must be furnished a report of the death by a United States consul, or other agent of the State Department, bearing the signature and official seal of such consul or agent, or a certified copy of the public record of death authenticated by the United States consul or other agent of the State Department, or other evidence of probative value.

13. Section 404.707 is amended to read as follows:

§ 404.707 Evidence as to ceremonial marriage.

(a) *Type of evidence to be submitted.* Evidence as to a ceremonial marriage shall be of the following character:

(1) A copy of the public record of marriage or a statement as to the marriage which has been duly certified (see § 404.701(g)); or

(2) A copy of the church record of marriage or a statement of the contents of such record as to such marriage which has been duly certified (see § 404.701 (g)); or

(3) The original certificate of marriage; or

(4) If none of the evidence described in subparagraphs (1), (2), and (3) of this paragraph (a) of § 404.707 is obtainable, the reason therefor shall be stated and the applicant may submit:

(i) The signed statement of the clergyman or official who performed the marriage ceremony; or

(ii) Other evidence of probative value.

(b) *When claimant's statement of ceremonial marriage may be accepted.* If the application for benefits, in support of which evidence of a ceremonial marriage is required, is for a lump-sum death payment to a widow or widower of the individual on whose earnings such payment is claimed the Social Security Administration may accept, in lieu of the evidence enumerated in paragraph (a) of this § 404.707 a statement, signed by the claimant, that he or she was ceremonially married to the deceased. If the application is for husband's or wife's monthly benefits, such a statement of the claimant may be so accepted only if confirmed in writing by the individual on whose earnings such benefits are claimed.

14. Section 404.911 is amended to read as follows:

§ 404.911 Time and place of filing request.

The request for reconsideration shall be made in writing and filed at an office of the Bureau or, in the case of an individual in the Philippines, at the Veterans' Administration Regional Office in the Philippines or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O of this Part 404) or of an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing reconsideration with respect to his application to establish a period of disability under section 216(i) of the act, at an office of the Railroad Retirement Board, within 6 months from the date of mailing notice of the initial determination, unless such time is extended as provided in § 404.612 or § 404.953.

15. Section 404.918 is amended to read as follows:

§ 404.918 Time and place of filing request.

The request for hearing shall be made in writing and filed at an office of the Bureau or, in the case of an individual in the Philippines, at the Veterans' Administration Regional Office in the Philippines, or with a hearing examiner, or the Appeals Council, or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O of this part) or of an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing a hearing with respect to his application to establish a period of disability under section 216(i) of the act, at an office of the Railroad Retirement Board. The request for hearing must be filed within 6 months after the date of mailing notice of the reconsidered determination to such individual, except where the time is extended as provided in § 404.612 or § 404.954.

16. Section 404.946 is amended to read as follows:

§ 404.946 Time and place of filing request.

The request for review shall be made in writing and filed with an office of the Bureau, or in the case of an individual in the Philippines, with the Veterans' Administration Regional Office in the Philippines, or with a hearing examiner, or the Appeals Council, or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O of this part) or an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing review with respect to his application to establish a period of disability under section 216(i) of the act, at an office of the Railroad Retirement Board. Such request shall be accompanied by whatever documents or other evidence the party desires the Appeals Council to consider in its review. The request for review must be filed within 60 days from the date of mailing notice of the hearing examiner's decision or dismissal, except as provided in § 404.612 or § 404.954.

17. *Effective date.* The above amendments shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 205(a), 53 Stat. 1368 as amended, sec. 1102, 49 Stat. 647 as amended; 42 U.S.C. 405(a), 1302; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18. Applies sec. 205(a), 53 Stat. 1368, as amended; 42 U.S.C. 405(a))

JULY 5, 1960.

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: June 27, 1960.

BERTHA ADKINS,
Acting Secretary of Health, Education and Welfare.

[F.R. Doc. 60-6376; Filed, July 8, 1960; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Sweetpotatoes; Order Amending Standard of Identity

In the matter of amending the definition and standard of identity for canned sweetpotatoes with respect to the designation of the optional forms of the vegetable ingredient:

A notice of proposed rule making was published in the FEDERAL REGISTER of May 7, 1960 (25 F.R. 4114), setting forth a proposal by the Princeville Canning Company, St. Francisville, Louisiana, to amend the definition and standard of identity for canned vegetables other than those specifically regulated to provide, in the case of canned sweetpotatoes, for including "halves or halved" as an optional form. The notice invited all interested persons to submit views and comments. Some comments from members of the interested industry recommended that "cuts" or "cut" also be provided as designations to be used on labels in lieu of the term "pieces."

Upon consideration of all views and comments submitted and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definition and standard of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) as hereinafter set forth. Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611): *It is ordered,* That § 51.990(b) be amended to read as follows:

§ 51.990 **Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients.**

(a) * * *

(b) The table referred to in paragraph (a) of this section is as follows:

I	II	III
Name or synonym of canned vegetable	Source	Optional forms of vegetable ingredient
* *	*	* *
Sweetpotatoes.	Tuber of the sweetpotato plant.	Whole; mashed; pieces or cuts or cut (longitudinally cut halves may be named on labels as halves or halved in lieu of pieces or cuts or cut).
* *	*	* *

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

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: July 5, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-6372; Filed, July 8, 1960; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart G—Radiation and Radiation Sources Intended for Use in the Production, Processing, and Handling of Food

PERMITTED USE OF SOURCES OF RADIATION FOR INSPECTION OF FOODS, FOOD PACKAGES, AND FOR CONTROLLING FOOD PROCESSES

The Commissioner of Food and Drugs has evaluated the data submitted in petitions filed by the General Electric Company, 4855 Electric Avenue, Milwaukee 1, Wisconsin, and by Industrial Nucleonics Corporation, 650 Ackerman Road, Columbus 14, Ohio, and other relevant material concerning safe uses of radiation sources consisting of X-ray devices and the radioactive isotopes strontium 90 and cesium 137. This evaluation has led the Commissioner to conclude that the uses outlined will neither produce radioactivity in the food supply nor cause other deleterious effects therein and to conclude that the following food additive regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to these sources when used for the purpose of inspection of foods, food packages, and for controlling food processes.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (23 F.R. 9500), Part 121 is amended by inserting therein a new Subpart G:

§ 121.3001 **Sources of radiation used for inspection of foods, food packages, and for controlling food processes.**

Sources of radiation for the purposes of inspection of foods, food packages, and for controlling food processes may be safely used under the following conditions:

(a) The radiation source is one of the following:

(1) X-ray tubes producing X-radiation from operation of the tube source at energy levels of 300 kilovolt peak or lower.

(2) Sealed units producing radiations at energy levels of not more than 2.2 million electron volts from one of the following isotopes: Cesium 137, strontium 90.

(b) To assure safe use of these radiation sources, the labels and labeling of the sources shall contain all the following:

(1) Appropriate and accurate information identifying the source of radiation.

(2) Maximum energy levels of the sources.

(3) Adequate directions for installation and use including the statement that no food shall be exposed to the radiation source in excess of 15 minutes.

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 5, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-6373; Filed, July 8, 1960; 8:41 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 213—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL

Correction

In F.R. Doc. 60-5944, appearing at page 5993 of the issue for Wednesday, June 29, 1960, the following change should be made: On page 5996, in the first column, and preceding § 213.23, the paragraph beginning "The Director may approve * * *," and the succeeding subparagraph (1), (2) and (3) should follow the paragraph heading of § 213.22(b) on page 5995.

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6479]

PART 302—TAXES UNDER THE INTERNATIONAL CLAIMS SETTLEMENT ACT, AS AMENDED AUGUST 9, 1955

Application of the Internal Revenue Laws to Property Subject to the International Claims Settlement Act

On April 2, 1960, notice of proposed rule making regarding the regulations relating to the application of the internal revenue laws pursuant to section 212 of the International Claims Settlement Act of 1949, as added by the Act of August 9, 1955 (Public Law 285, 84th Cong., 69 Stat. 562), was published in the FEDERAL REGISTER (25 F.R. 2800). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations so published are hereby adopted.

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

Approved: July 1, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

Sec.
302.1 Statutory provisions and Executive order; section 212 of the International Claims Settlement Act, and Executive Order 10644.
302.1–1 Definitions.
302.1–2 Application of regulations.
302.1–3 Protection of internal revenue prior to tax determination.
302.1–4 Computation of taxes.
302.1–5 Payment of taxes.
302.1–6 Interest and penalties.
302.1–7 Claims for credit or refund.

AUTHORITY: §§ 302.1 to 302.7, incl., issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805, and sec. 212 of the International Claims Settlement Act of 1949, as added by the Act of Aug. 9, 1955, Pub. Law 285, 84th Cong., 69 Stat. 562.

§ 302.1 Statutory provisions and Executive order; section 212 of the International Claims Settlement Act, and Executive Order 10644.

SEC. 212. (a) The vesting in any officer or agency designated by the President under this title of any property or the receipt by such designee of any earnings, increment, or proceeds thereof shall not render inapplicable any Federal, State, Territorial, or local tax for any period before or after such vesting.

(b) The officer or agency designated by the President under this title shall, notwithstanding the filing of any claim or the institution of any suit under this title, pay any tax incident to any such property, or the earnings, increment, or proceeds thereof, at the earliest time appearing to him to be not contrary to the interest of the United States. The former owner shall not be liable for any such tax accruing while such property, earnings, increment, or proceeds are held by such designee, unless they are returned pursuant to this title without payment of such tax by the designee. Every such tax shall be paid by the designee to the same extent, as nearly as may be deemed practicable, as though the property had not been vested, and shall be paid only out of the property, or earnings, increment, or proceeds thereof, to which they are incident or out of other property acquired from the same former owner, or earnings, increment, or proceeds thereof. No tax liability may be enforced from any property or the earnings, increment, or proceeds thereof while held by the designee except with his consent. Where any property is transferred, otherwise than pursuant to section 207(a) or 207(b) hereof, the designee may transfer the property free and clear of any tax, except to the extent of any lien for a tax existing and perfected at the date of vesting, and the proceeds of such transfer shall, for tax purposes, replace the property in the hands of the designee.

(c) Subject to the provisions of subsection (b) of this section, the manner of computing any Federal taxes, including without limitation by reason of this enumeration, the applicability in such computation of credits, deductions, and exemptions to which the former owner is or would be entitled, and the time and manner of any payment of such taxes and the extent of any compliance by the designee with provisions of Federal law and regulations applicable with respect to Federal taxes, shall be in accordance with regulations prescribed by the Secretary of the Treasury to effectuate this section. Statutes of limitations on assessments, collection, refund, or credit of Federal taxes shall be suspended with respect to any vested property or the earnings, increment, or proceeds thereof, while vested and for six months thereafter; but no interest shall be paid upon any refund with respect to any period during which the statute of limitations is so suspended.

(d) The word "tax" as used in this section shall include, without limitation by reason of this enumeration, any property, income, excess-profits, war-profits, excise, estate, and employment tax, import duty, and special assessment; and also any interest, penalty, additional amount, or addition thereto not arising from any act, omission, neglect, failure, or delay on the part of the designee.

[Section 212, International Claims Settlement Act of 1949, as added by Act of August 9, 1955 (Pub. Law 585, 84th Cong., 69 Stat. 562)]

EXECUTIVE ORDER 10644, APPROVED NOVEMBER 7, 1955 (20 F.R. 8363)

By virtue of the authority vested in me by Title II of the International Claims Settlement Act of 1949, as added by Public Law 285, 84th Congress, approved August 9, 1955 (69 Stat. 562), and by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Attorney General, and, as designated by the Attorney General for this purpose, any Assistant Attorney General are hereby designated and empowered to perform the functions conferred by the said Title II of the International Claims Settlement Act of 1949 upon the President, and the functions conferred by that title upon any designee of the President.

SEC. 2. The Attorney General is hereby designated as the officer in whom property shall vest under the said Title II.

SEC. 3. As used in this order, the term "functions" includes duties, powers, responsibilities, authority, and discretion, and the term "perform" may be construed to include "exercise".

§ 302.1–1 Definitions.

(a) *General.* When used in the regulations in this part, the terms defined in this section shall have the meaning so assigned to them. A term not defined herein shall have the meaning, if compatible with the context, imputed thereto under the internal revenue laws.

(b) *Attorney General.* The term "Attorney General" includes the officer in whom property is vested pursuant to Title II of the International Claims Settlement Act of 1949, as amended. The term also includes the officer, including any Assistant Attorney General designated by the Attorney General for this purpose, designated and empowered pursuant to Executive Order No. 10644 to perform the functions conferred by Title II upon the President of the United States and the functions conferred by such Title upon the designee of the President.

(c) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(d) *Person.* The term "person" includes a natural person, partnership, association, other unincorporated body, corporation, or body politic, having or claiming an interest in vested property or liable or charged with liability for internal revenue tax in connection with such property.

(e) *Former owner.* The term "former owner" means the owner immediately prior to vesting and any successor in interest by inheritance, devise, bequest, or operation of law, of such owner.

(f) *Property.* The term "property" means any property, right, or interest, including earnings, increment, or proceeds thereof.

(g) *Act.* The term "Act" means the International Claims Settlement Act of 1949, as amended by the Act of August 9, 1955 (Pub. Law 285, 84th Cong., 69 Stat. 562).

(h) *Tax.* The term "tax" includes, but is not limited to, any property, income, excess-profits, war-profits, excise, estate, and employment tax, import duty, and special assessment; and also any interest, penalty, additional amount, or addition thereto not arising from any act, omission, neglect, failure, or delay on the part of the Attorney General.

§ 302.1–2 Application of regulations.

(a) *Property covered.* The regulations in this part are applicable in connection with property vested in the Attorney General pursuant to section 202 (a) of the Act and in connection with the net proceeds of any property described under section 202(b) of such Act which was vested in the Attorney General after December 17, 1941, pursuant to the Trading With the Enemy Act, as amended (40 Stat. 411).

(b) *Taxes covered.* The regulations in this part are applicable to any internal revenue tax with respect to (1) property vested in the Attorney General or any action or transaction incidental to such property, or (2) any person whose property is so vested or any action or transaction of such person, whether the tax is applicable in respect of the period of vesting or any other period.

§ 302.1–3 Protection of internal revenue prior to tax determination.

(a) *Suits and claims for return of vested property*—(1) *General.* The provisions of this paragraph apply in cases where there has been neither a final nor a tentative determination of internal revenue tax liability. See paragraphs (e) and (f) of § 302.1–4. In such cases vested property (including property vested pursuant to section 202(a) of the Act which is subject to divestment by reason of its ownership by a natural person) shall not be returned or divested except in accordance with this paragraph.

(2) *Notice to Commissioner*—(i) *Suits for recovery.* Where suit for the return of vested property has been instituted pursuant to section 207(a) of the Act, the Attorney General shall within a reasonable time after answer has been filed or after beginning of the trial of the case notify the Commissioner in writing of the property involved and the name, address, citizenship, residence, and business organization of the claimant, and any other pertinent information.

(ii) *Return without suit.* Where the Attorney General has determined that pursuant to section 207(b) of the Act vested property is to be returned to the claimant, the Attorney General shall notify the Commissioner in writing in the manner prescribed in subdivision (i) of this subparagraph at least 90 days prior to any return of such property.

(3) *Return of property*—(i) *By divestment.* Where the Attorney General has determined that property vested pursuant to section 202(a) of the Act was directly owned by a natural person, the Attorney General shall not divest himself of such property and restore it to its blocked status prior to vesting unless there has been a determination of tax liability pursuant to § 302.1–4 and

a payment of such tax pursuant to § 302.1–5.

(ii) *Without security.* Where vested property is the subject of a suit or proceeding pursuant to the Act, it may be returned without security prior to determination of applicable internal revenue taxes and prior to the judgment of the court or to the publication of the order of the Attorney General directing such return to the following described claimants under conditions hereinafter stated:

(*a*) *Residents and domestic enterprises.* In the case of claimants who at the time of return are (*1*) individuals permanently resident in the United States since December 7, 1941, or (2) corporations or other business enterprises organized under the laws of the United States, or any State, Territory, or possession thereof, or the District of Columbia, or doing business in the United States, the Attorney General may without notice to the Commissioner return the property at any time.

(*b*) *Non-residents, etc.* In the case of claimants who at the time of return are (*1*) individuals not permanently resident in the United States since December 7, 1941, or (2) nondomestic corporations or other nondomestic enterprises not doing business within the United States, the property may be returned not less than 90 days after notice by the Attorney General to the Commissioner in a case within subparagraph (2) (i) of this paragraph, or not less than 60 days after notice in a case within subparagraph (2) (ii) of this paragraph, unless within such time the Attorney General is advised otherwise by the Commissioner.

(iii) *When security required.* Except as provided in subdivisions (i) and (ii) of this subparagraph, vested property shall not be released prior to determination of tax liability without security satisfactory to the Commissioner, but determination of tax liability will be expedited in order that the release of the property or of the security shall not be unnecessarily delayed.

(4) *Security.* When security is required under subparagraph (3) (iii) of this paragraph, it shall be such of the following as the Commissioner considers necessary:

(i) *Bond.* A bond of the claimant conditioned upon payment of the full amount of internal revenue taxes determined to be due, filed with the district director in such amount, and with such sureties, as the Commissioner deems necessary. Only surety companies holding a certificate of authority from the Secretary of the Treasury may be used.

(ii) *Collateral security.* Collateral authorized by law deposited by the claimant in lieu of surety conditioned upon the payment of the full amount of internal revenue taxes determined to be due.

(iii) *Reservation of assets.* Monies, or if the monies are insufficient, so much of the other property involved, to be reserved by the Attorney General, as will be sufficient in the judgment of the Attorney General to cover any internal revenue tax liability determined by the Commissioner.

(b) *Vested property subject to debt claims—(1) Notice to Commissioner.* With respect to vested property available for the payment of debt claims pursuant to section 208 of the Act, and with respect to which debt claims have been filed, prior to the allowance of any such claims the Attorney General shall in writing notify the Commissioner of the property involved, the citizenship, residence, business organization and other necessary information concerning the debtor and the aggregate of debt claims filed in respect thereof.

(2) *Action by Commissioner.* Upon receipt of the notice provided in subparagraph (1) of this paragraph the Commissioner shall, as soon as practicable and not later than 120 days after receipt of notice, unless the time is extended by the Commissioner after notice to the Attorney General, (i) determine the taxes payable by the Attorney General in respect of the debtor, or (ii) advise the Attorney General of the provision, if any, to be made by him for payment of taxes with respect of the debtor.

§ 302.1–4 Computation of taxes.

(a) *Detail of employees of the Internal Revenue Service.* The Commissioner will detail for the assistance of the Attorney General such employees of the Internal Revenue Service as may be necessary to make the computations under the regulations in this part promptly and accurately.

(b) *Relationship of Attorney General and former owner.* In the computation of tax liability under the regulations in this part, except as otherwise provided herein, the vesting of property shall not be considered as affecting the ownership thereof; and any act of the Attorney General in respect of such property (including the collection or operation thereof and any investment, sale, or other disposition and any payment or other expenditure) shall be considered as the act of the owner. Nevertheless, except as otherwise provided in the Act or the regulations in this part, insofar as taxes are incident to the vested property during the period of vesting, they shall be payable by the Attorney General, except that to the extent of the value of any of the property returned to the former owner the latter shall be liable for such tax not paid by the Attorney General. While tax incident to nonvested property is collectible out of both vested and nonvested property, the nonvested property will be regarded as the primary source of collection of such tax. In determining the amount of liability to be paid out of property not vested by the Attorney General a computation shall be made covering the taxpayer's full period of liability, but without regard to the vested property, or the income received by, or the operations of, the Attorney General. The amount so computed shall be first asserted against and collected so far as practicable from the taxpayer or out of his property which is not vested. Such part of the total tax liability as is not paid by the taxpayer or collected out of property not vested shall be asserted against the vested property. See § 302.1–5, relating to payment of taxes, and § 302.1–7, relating to claims for credit or refund.

(c) *Laws applicable to computations.* Except as otherwise specifically provided in the regulations in this part, the computation under the regulations in this part of any internal revenue tax liability shall be in accordance with the internal revenue laws and regulations applicable thereto, including all amendments of such laws or regulations enacted or promulgated prior to determination of the tax.

(d) *Periods for which computations made.* The amount of income, declared value excess profits, excess profits, capital stock, employment, and excise taxes under the internal revenue laws will be computed for each taxable year or period during all or part of which property is vested prior to the return of the property. In the case of a return of property prior to computation of tax, see § 302.1–3. Where vesting occurs during a taxable year or taxable period, any return filed or computation made covering vested or nonvested property should nevertheless be for the entire year or period. See paragraph (b) of this section. Unless facts are available indicating a liability for taxes for a taxable year or period occurring wholly prior or subsequent to the period of vesting of the property by the Attorney General, the computations under the regulations in this part, both tentative and final, will be made only in respect of years and periods during all or part of which the property is held by the Attorney General.

(e) *Tentative computation.* In order that the return of property or other appropriate action may not be delayed until the amount of taxes payable is finally computed and paid, a tentative computation of such amount will be made in every case, unless there are circumstances appearing to make such action inappropriate. Such circumstances would include (1) return of the property in accordance with § 302.1–3, (2) notice to the Commissioner by the person to whom the property is returnable or by the Attorney General that such person or the Attorney General, as the case may be, prefers that the return of the property be postponed until the amount of such taxes can be finally computed or (3) belief on the part of the Commissioner that a final computation will not unduly delay the return of, or other appropriate action with respect to, the property. In making any such tentative computation of income, profits, or estate tax, the gross income or the gross estate, as the case may be, as shown by the records of the Attorney General (excluding therefrom items exempt from taxation) shall be considered as the taxable or net income or taxable or net estate, respectively, unless a tax return has been filed or facts are available upon which a more accurate computation can be made. In any case in which a duly authorized officer or employee of the Internal Revenue Service has otherwise computed the amount of taxes payable in respect of any period, such computation will be accepted as a tentative computation, unless the facts

clearly indicate that a more accurate computation can be made.

(f) *Final computation*—(1) *General.* A final computation of the amount of taxes payable by the person to whom property is returnable, or out of property to be returned, will be made as soon as practicable in every case. In any case in which the amount shown by a tentative computation has been paid, refund or credit of any amount paid in excess of the amount properly due will be made in accordance with the final computation, even though a claim therefor has not been filed, if the period of limitation applicable to the filing of such claim has not expired. However, if it is desired to protect the right to any credit or refund determined to be due, a claim for credit or refund should be filed. The sufficiency of any such claim in respect of an amount paid in accordance with a tentative computation under the regulations in this part will not be questioned solely because facts upon which a more accurate computation could be made are not available or cannot be established at the time such claim is filed. Any such claim in respect of an amount paid in accordance with a final computation must, however, clearly set forth in detail under penalties of perjury all the facts relied upon in support of the claim and must conform to the regulations applicable to an ordinary claim for refund or credit. See § 302.1–7 relating to claims for credit or refunds.

(2) *Information required*—(i) *Income and profits taxes.* The following information submitted under penalties of perjury by or for the taxpayer is necessary in each case for a final computation, for each taxable year for which the computation is to be made:

(*a*) All income (other than income received by the Attorney General) from sources within the United States, or if no such income has been received, then a statement to that effect, except that in the case of a citizen or resident of the United States, income from sources without as well as within the United States must be shown.

(*b*) If a return of such income has been made, then the following data in respect of such return:

(*1*) The taxable year for which the return was made and the tax (whether income, declared value excess profits, or excess profits tax) paid;

(*2*) The name of the taxpayer for whom the return was made;

(*3*) The name of the agent or other person (if any) by whom such return was made;

(*4*) The office of the district director in which such return was filed.

(*c*) Such other facts as may be required, from time to time, by the Commissioner.

(ii) *Other taxes.* Except as otherwise provided in subdivision (i) of this subparagraph, in order to make a final computation of the amount of any internal revenue tax payable by return in any case, the usual return should be filed, together with the supporting documents required by the regulations pertaining to the tax.

(g) *Tax returns*—(1) *General.* In many cases allowance of deductions and credits is contingent upon the making of a return in accordance with the applicable internal revenue law. The submission of evidence relative to income or profits tax in accordance with subdivisions (*a*) and (*c*) of paragraph (f)(2)(i) of this section will be considered as the making of the return required by any such law, only (i) for any taxable period, ending on or before December 31, 1946, during all or part of which all or part of the property of the taxpayer was held by the Attorney General, or (ii) for any taxable period ending within one year from the date of the first return to the taxpayer of any part of the property held by the Attorney General, whichever period ends later. In all other cases a return will be required in accordance with the applicable internal revenue law and regulations. In the case of returns where property is vested during a taxable year or period, see paragraph (d) of this section.

(2) *Estates and trusts.* In the case of estates and trusts the fiduciaries shall file returns, including information returns as required by section 147 of the Internal Revenue Code of 1939 or section 6041 of the Internal Revenue Code of 1954.

(3) *Income tax forms to be used*—(i) *General.* In the case of taxpayers engaged in trade or business in the United States Forms 1040B and 1120, as may be appropriate, shall be used. Where the taxpayer is not engaged in trade or business in the United States, Form M797 may be used in lieu of Forms 1040NB, 1040NB–a, and 1120NB.

(ii) *Definition.* When used in subdivision (i) of this subparagraph, the term "engaged in trade or business in the United States" includes the managing and renting of real estate in the United States by an agent of the Attorney General or of the former owner duly authorized to execute rental agreements and to pay all taxes and charges incident to the repair and maintenance of such property, but does not include the mere renting or leasing of property under agreement requiring the lessee or occupant to pay taxes and to make repairs or improvements.

§ 302.1–5 Payment of taxes.

(a) *Pursuant to tentative computations.* The amount of taxes shown by a tentative computation, shall be paid by the Attorney General or the taxpayer, as the case may be, to the district director as soon as practicable after the tentative computation has been made. It will not be necessary, however, for the payment by the Attorney General to be made prior to the return of property if an amount sufficient to cover all internal revenue taxes is retained from the property by the Attorney General.

(b) *Pursuant to final computations.* Upon a final computation of internal revenue taxes properly payable, the amount thereof remaining unpaid shall be paid by the Attorney General to the district director as soon as practicable after the final computation has been made, or, in case the property has been returned to the former owner, by such owner. If the final computation shows that the full amount of internal revenue taxes properly payable is less than the amount previously paid, the difference shall be credited or refunded in accordance with the provisions of the regulations in this part and other applicable regulations. A final computation will not prohibit a subsequent recomputation if it is determined that the amount shown by the final computation is erroneous.

(c) *Deficiency procedure.* The Attorney General shall pay internal revenue taxes without regard to the provisions of law relating to the sending of a deficiency notice by certified or registered mail or to notice and demand.

§ 302.1–6 Interest and penalties.

(a) *Liability for interest and civil penalties.* Under subsection (d) of section 212 of the Act there is no liability for interest or penalty on account of any act or failure of the Attorney General. Such subsection is not applicable to interest or penalties payable in respect of any act or failure during the period prior to the vesting of the property by the Attorney General, or after the return of the property, or during the period during which the property was vested by the Attorney General on account of an act or omission of any person other than the Attorney General.

(b) *Adjustment.* In case of any assessment or collection, or credit or refund, of interest or a civil penalty contrary to section 212 (c) or (d) of the Act, proper adjustment shall be made.

§ 302.1–7 Claims for credit or refund.

(a) *Time for filing claims.* Claims for credit or refund must be filed within the period prescribed by section 322 of the Internal Revenue Code of 1939 or by section 6511 of the Internal Revenue Code of 1954, as modified by section 212(c) of the Act. Any such claim must contain a detailed statement under penalties of perjury of all the facts relied upon in support of the claim and should be filed with the district director of the district in which the tax was paid. See paragraph (f)(1) of § 302.1–4 relating to final computation.

(b) *Attorney General acting for taxpayer.* Any act of the Attorney General for, or on behalf of, a taxpayer in respect of any claim under the regulations in this part will be considered as the act of such taxpayer, unless such taxpayer notifies the Commissioner in writing, by the filing of a claim for refund or credit or otherwise, that he does not ratify such act. See paragraph (b) of § 302.1–4 relating to relationship of Attorney General and former owner.

(c) *Refund payable to Attorney General.* All refund of taxes paid by the Attorney General shall be made directly to that official.

[F.R. Doc. 60–6370; Filed, July 8, 1960; 8:48 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER E—MECHANICAL EQUIPMENT FOR MINES; TESTS FOR PERMISSIBILITY AND SUITABILITY; FEES

[Bureau of Mines Schedule 25B]

PART 33—DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

Procedures for Testing for Permissibility

On pages 2014–17 of the FEDERAL REGISTER of March 9, 1960, there was published a notice and text of proposed revision of the regulations of Subchapter E of Title 30, Code of Federal Regulations, prescribing procedures for testing for permissibility and approving Dust Collectors for Use in Connection with Rock Drilling in Coal Mines.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections concerning the proposed revision. Several suggestions to revise the text were received.

To permit unlimited discussion of the suggested changes by interested persons, the Bureau of Mines called a meeting, which was held at the Central Experiment Station, Bureau of Mines, Pittsburgh, Pa., on May 11, 1960. As a result of the discussions at the meeting and consideration of all relevant material presented pursuant to the notice, the following changes in the proposed regulations are made:

1. In § 33.6 paragraph (d) subparagraph (1), the title of the subparagraph is changed to read: "Details of all dust-collector parts"

2. In § 33.11 paragraphs (b), (c), and (d) are redesignated paragraphs (c), (d), and (e), respectively, and a new paragraph (b) is inserted after paragraph (a).

3. In § 33.37 a new paragraph (d) is inserted.

4. In § 33.38 paragraph (b) after the article "a" in the third line the word "gassy" is inserted.

5. In § 33.38 a new paragraph (c) is inserted.

The proposed revision of the regulations with the above changes are hereby adopted and are set forth below. Because of the safety and health-protective features it is deemed in the public interest that this revision of the regulations shall be effective on the date of publication in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director, Bureau of Mines.

Approved: July 2, 1960.

ELMER F. BENNETT,
Acting Secretary of the Interior.

Part 33, Chapter I of Title 30, Code of Federal Regulations, is revised to read as follows:

Subpart A—General Provisions

Sec.
33.1 Purpose.
33.2 Definitions.
33.3 Consultation.
33.4 Types of dust collectors for which certificates of approval may be granted.
33.5 Fees for investigation.
33.6 Applications.
33.7 Date for conducting tests.
33.8 Conduct of investigations, tests, and demonstrations.
33.9 Certification of dust-collecting systems.
33.10 Certificates of approval or performance.
33.11 Approval plates.
33.12 Changes after certification.
33.13 Withdrawal of certification.

Subpart B—Dust-Collector Requirements

33.20 Design and construction.
33.21 Modification of test equipment.
33.22 Mode of use.
33.23 Mechanical positioning of parts.

Subpart C—Test Requirements

33.30 Test site.
33.31 Test space.
33.32 Determination of dust concentration.
33.33 Allowable limits of dust concentration.
33.34 Drilling test.
33.35 Methods of drilling; dust-collector unit.
33.36 Methods of drilling; combination unit or dust-collecting system.
33.37 Test procedure.
33.38 Electrical parts.

AUTHORITY: §§ 33.1 to 33.38 issued under sec. 5, 36 Stat. 370, as amended; 30 U.S.C. 7, 482(a). Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, secs. 201, 209, 66 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479.

Subpart A—General Provisions

§ 33.1 Purpose.

The regulations in this part set forth the requirements for dust collectors used in connection with rock drilling in coal mines to procure their certification as permissible for use in coal mines; procedures for applying for such certification; and fees.

§ 33.2 Definitions.

As used in this part:

(a) "Permissible," as applied to a dust collector, means that it conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Bureau" means the United States Bureau of Mines.

(c) "Certificate of approval" means a formal document issued by the Bureau stating that the dust collector unit or combination unit has met the requirements of this part, and authorizing the use and attachment of an official approval plate or a marking so indicating.

(d) "Certificate of performance" means a formal document issued by the Bureau stating that a dust-collecting system has met the test requirements of Subpart C of this part and therefore is suitable for use as part of permissible units.

(e) "Dust-collector unit" means a complete assembly of parts comprising apparatus for collecting the dust that results from drilling in rock in coal mines, and is independent of the drilling equipment.

(f) "Combination unit" means a rock-drilling device with an integral dust-collecting system, or mining equipment with an integral rock-drilling device and dust-collecting system.

(g) "Dust-collecting system" means an assembly of parts comprising apparatus for collecting the dust that results from drilling in rock and is dependent upon attachment to other equipment for its operation.

(h) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs and manufactures, assembles or controls the assembly of a dust-collecting system, dust-collector unit, or a combination unit, and seeks certification thereof.

§ 33.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, and discuss with qualified Bureau representatives proposed designs of equipment to be submitted in accordance with the requirements of the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

§ 33.4 Types of dust collectors for which certificates of approval may be granted.

(a) Certificates of approval will be granted only for completely assembled dust-collector or combination units; parts or subassemblies will not be approved.

(b) The following types of equipment may be approved: Dust-collector or combination units having components designed specifically to prevent dissemination of airborne dust generated by drilling into coal-mine rock strata in concentrations in excess of those hereinafter stated in § 33.33 as allowable, and to confine or control the collected dust in such manner that it may be removed or disposed of without dissemination into the mine atmosphere in quantities that would create unhygienic conditions.

§ 33.5 Fees for investigation.

(a) The following fees are charged for inspecting, testing, and certifying dust collectors:

(1) Preliminary review of drawings, specifications, and related data, each unit or system	$50
(2) Detailed inspection to determine adequacy of design and materials, each unit or system	50
(3) Detailed inspection to determine adequacy of design and materials relating to changes subsequent to an initial investigation, per man day or fraction thereof	[1] 35
(4) Drilling each set of 10 test holes:	
(i) First set of 10 test holes drilled, per investigation	135
(ii) Each additional set of 10 test holes drilled, per investigation	75

[1] In addition the applicant shall reimburse the Bureau for necessary travel and subsistence expenses of its representative(s) according to "Standardized Government Travel Regulations" when such Bureau representative(s) is required to be away from official headquarters.

(5) Final examination and recording of drawings and specifications, and issuing certificate of approval or certificate of performance	$65
(6) Examination and recording of drawings and specifications, and issuing extension of certificate of approval or certificate of performance	[2] 50
(7) Design of approval plate or P/T label for certified equipment	25

[2] If only a nominal amount of work is required, the fee will be $20.

(b) Additional fees shall be charged in accordance with the provisions of Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F) for examining and testing electrical parts of dust collectors required under § 33.38.

(c) The full fee must accompany an application for certification of a unit or dust-collecting system. The fees charged for each investigation will be in proportion to the work done, and any surplus will be refunded to the applicant.

(d) The fee for an extension of certification to cover modifications of equipment will be determined according to the work required and the applicant will be notified accordingly. The fee must be paid in advance before the investigation will be undertaken.

(e) If the applicant is uncertain as to the amount of fee that should be sent with his application, the information will be furnished him in writing upon request addressed to the Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Health Research.

§ 33.6 Applications.

(a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate (except as otherwise provided in paragraph (e) of this section), accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees; and all prescribed drawings, specifications, and related materials. The application and all related matters and all correspondence concerning it shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Health Research.

(b) The application shall specify the operating conditions (see § 33.22) for which certification is requested.

(c) Shipment of the equipment to be tested shall be deferred until the Bureau has notified the applicant that the application will be accepted. Shipping instructions will be issued by the Bureau and shipping charges shall be prepaid by the applicant. Upon completion of the investigation and notification thereof to the applicant by the Bureau, the applicant shall remove his equipment promptly from the test site (see § 33.30).

(d) Drawings and specifications shall be adequate in number and detail to identify fully the design of the unit or system and to disclose its materials and detailed dimensions of all component parts. Drawings must be numbered and dated to insure accurate identification and reference to records, and must show the latest revision. Specifications and drawings, including a complete assembly drawing with each part that affects dust collection identified thereon, shall include:

(1) Details of all dust-collector parts. A manufacturer who supplies the applicant with component parts or subassemblies may submit drawings and specifications of such parts or subassemblies direct to the Bureau instead of to the applicant. If the unit or system is certified, the Bureau will supply the applicant with a list, in duplicate, of drawing numbers pertaining to such parts or subassemblies for identification purposes only.

(2) Details of the electrical parts of units designed to operate as face equipment (see § 33.38) in accordance with the provisions of Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F).

(3) Storage capacity of the various stages of dust collection in the dust separator.

(4) Net filter area in the dust separator, and complete specifications of the filtering material.

(e) If an application is made for certification of a dust-collector unit or a combination unit that includes electrical parts, and is designed to operate as electric face equipment, as defined in § 33.38, the application shall be in triplicate. One copy of the application shall be marked Attention: Chief, Branch of Electrical-Mechanical Testing.

(f) The application shall state that the unit or system is completely developed and of the design and materials which the applicant believes to be suitable for a finished marketable product.

(g) The applicant shall furnish a complete unit or system for inspection and testing. Spare parts, such as gaskets and other expendable components subject to wear in normal operation, shall be supplied by the applicant to permit continuous operation during test periods. If special tools are necessary to disassemble any part for inspection or test, they shall be furnished by the applicant.

(h) Each unit or system shall be carefully inspected before it is shipped from the place of manufacture or assembly and the results of the inspection shall be recorded on a factory-inspection form. The applicant shall furnish the Bureau with a copy of the factory-inspection form with his application. The form shall direct attention to the points that must be checked to make certain that all parts are in proper condition, complete in all respects, and in agreement with the drawings and specifications filed with the Bureau.

(i) With the application the applicant shall furnish the Bureau with complete instructions for operating and servicing the unit or system and information as to the kind of power required. After the Bureau's investigation, if any revision of the instructions is required a revised copy thereof shall be submitted to the Bureau for inclusion with the drawings and specifications.

§ 33.7 Date for conducting tests.

The date of acceptance of an application will determine the order of precedence for testing when more than one application is pending, and the applicant will be notified of the date on which tests will begin. If a unit or system fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for testing will be so determined.

§ 33.8 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a certificate of approval or performance, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential and shall not disclose principles or patentable features, nor shall it disclose any details of drawings, specifications, and related materials. After the issuance of a certificate, the Bureau may conduct such public demonstrations and tests of the unit or system as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers, except as noted in paragraph (b) of this section.

(b) When requested by the Bureau, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and operating combination units.

§ 33.9 Certification of dust-collecting systems.

Manufacturers of dust-collecting systems that are designed for integral use on machines with drilling equipment may apply to the Bureau to issue a certificate of performance for such systems. To qualify for a certificate of performance, the dust-collecting system shall have met satisfactorily the test requirements of Subpart C of this part under specified operating conditions (such as type of drilling equipment, drilling speed, and power requirements) and the construction thereof shall be adequately covered by specifications and drawings officially recorded and filed with the Bureau. Individual parts of dust-collecting systems will not be certified for performance. Certificates of performance may be cited to fabricators of combination units as evidence that further inspection and testing of the dust-collecting system will not be required, provided the dust-collecting requirements of the drilling equipment do not exceed the limits of performance for which the system was certified. Since the Bureau does not sanction the use of the words "permissible" or "approved" except as applying to completely assembled equipment, dust-collecting systems, which have been certified only as to performance, shall not be advertised or labeled in a manner inferring that

such systems themselves are permissible or approved by the Bureau. However, a certified system may be advertised as suitable for use on combination units for which certification may be desired if the limits of its performance are cited. Certified dust-collecting systems shall bear labels or tags which shall contain the following: "Performance-tested Dust Collecting System, Bureau of Mines File No. P/T _____," and name of manufacturer, identifying numbers of the dust-collector parts, and description of the limitations for which performance is certified. The Bureau will assign a P/T file number in the certification letter.

§ 33.10 Certificates of approval or performance.

(a) Upon completion of an investigation, the Bureau will issue to the applicant either a certificate or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certificate is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on a unit or system upon which a notice of disapproval has been issued.

(b) A certificate will be accompanied by a list of the drawings and specifications covering the details of design and construction of the unit or system, including the electrical parts, if applicable, upon which the certificate is based. Applicants shall keep exact duplicates of the drawings and specifications submitted and the list of drawing numbers referred to in subparagraph 1 of paragraph (d) of § 33.6 that relate to the certified unit or system, and these are to be adhered to exactly in production.

§ 33.11 Approval plates.

(a) A certificate of approval will be accompanied by a photograph of a design for an approval plate, bearing the seal of the Bureau of Mines, the name of the applicant, the name of the unit, the approval number or space for the approval number (or numbers if permissibility of electrical parts is involved), spaces for the type and the serial numbers of the unit, conditions of approval, and identifying numbers of the dust-collector parts. When deemed necessary by the Bureau, an appropriate statement shall be added, giving the precautions to be observed in maintaining the unit in an approved condition.

(b) An approval plate for a unit designed for use in a nongassy coal mine shall state that any electrical parts are not certified for use in a gassy coal mine. (See § 33.38(c).)

(c) The applicant shall reproduce the design either as a separate plate or by stamping or molding it in some suitable place on each unit to which it relates. The size, type, and method of attaching and location of an approval plate are subject to the approval of the Bureau. The method of affixing the plate shall not impair the dust-collection or explosion-proof features of the unit.

(d) The approval plate identifies the unit, to which it is attached, as permissible, and is the applicant's guarantee that the unit complies with the requirements of this part. Without an approval plate, no unit has the status of "permissible" under the provisions of this part.

(e) Use of the approval plate obligates the applicant to whom the certificate of approval was granted to maintain the quality of each unit bearing it and guarantees that it is manufactured and assembled according to the drawings and specifications upon which a certificate of approval was based. Use of the approval plate is not authorized except on units that conform strictly with the drawings and specifications upon which the certificate of approval was based.

§ 33.12 Changes after certification.

If an applicant desires to change any feature of a certified unit or system, he shall first obtain the Bureau's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certificate, requesting that the existing certification be extended to cover the proposed changes, and shall be accompanied by drawings, specifications, and related data showing the changes in detail.

(b) The application will be examined by the Bureau to determine whether inspection and testing will be required. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the unit or system. The Bureau will inform the applicant whether such testing is required, the components or materials to be submitted for that purpose, and the fee.

(c) If the proposed modification meets the requirements of this part and Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F) if applicable, a formal extension of certification will be issued, accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the extension of certification.

§ 33.13 Withdrawal of certification.

The Bureau reserves the right to rescind for cause, at any time, any certification granted under this part.

Subpart B—Dust-Collector Requirements

§ 33.20 Design and construction.

(a) The Bureau will not test or investigate any dust collector that in its opinion is not constructed of suitable materials, that evidences faulty workmanship, or that is not designed upon sound engineering principles. Since all possible designs, arrangements, or combinations of components and materials cannot be foreseen, the Bureau reserves the right to modify the tests specified in this part in such manner to obtain substantially the same information and degree of protection as provided by the tests described in Subpart C of this part.

(b) Adequacy of design and construction of a unit or system will be determined in accordance with its ability (1) to prevent the dissemination of objectionable or harmful concentrations of dust into a mine atmosphere, and (2) to protect against explosion and/or fire hazards of electrical equipment, except as provided in paragraph (b) of § 33.38.

§ 33.21 Modification of test equipment.

For test purposes the unit or system may be modified, such as by attaching instruments or measuring devices, at the Bureau's discretion; but such modification shall not alter its performance.

§ 33.22 Mode of use.

(a) A unit or system may be designed for use in connection with percussion and/or rotary drilling in any combination of the folowing drilling positions: (1) Vertically upward, (2) upward at angles to the vertical, (3) horizontally, and (4) downward.

(b) Dust-collector units may be designed for use with specific drilling equipment or at specific drilling speeds.

§ 33.23 Mechanical positioning of parts.

All parts of a unit that are essential to the dust-collection feature shall be provided with suitable mechanical means for positioning and maintaining such parts properly in relation to the stratum being drilled.

Subpart C—Test Requirements

§ 33.30 Test site.

Tests shall be conducted at the Bureau's Experimental Mine, Bruceton, Pennsylvania, or other appropriate place(s) determined by the Bureau.

§ 33.31 Test space.

(a) Drilling tests shall be conducted in a test space formed by two curtains suspended across a mine opening in such a manner that the volume of the test space shall be approximately 2,000 cubic feet.

(b) No mechanical ventilation shall be provided in the test space during a drilling test, except such air movement as may be induced by operation of drilling- or dust-collecting equipment.

(c) All parts of a unit or system shall be within the test space during a drilling test.

§ 33.32 Determination of dust concentration.

(a) Concentrations of airborne dust in the test space shall be determined by sampling with a midget impinger apparatus, and a light-field microscopic technique shall be employed in determining concentrations of dust in terms of millions of particles (5 microns or less in diameter) per cubic foot of air sampled.

(b) Before a drilling test is started the surfaces of the test space shall be wetted; the test space shall be cleared of airborne dust insofar as practicable by mechanical ventilation or other means; and an atmospheric sample, designated as a control sample, shall be collected during a 5-minute period to determine residual airborne dust in the test space.

(c) A sample of airborne dust, designated as a test sample, shall be collected

in the breathing zone of the drill operator during the drilling of each test hole. Time consumed in changing drill steel shall not be considered as drilling time and sampling shall be discontinued during such periods.

§ 33.33 Allowable limits of dust concentration.

(a) The concentration of dust determined by the control sample shall be subtracted from the average concentration of dust determined by the test samples, and the difference shall be designated as the net concentration of airborne dust. Calculations of the average concentration of dust determined from the test samples shall be based upon the results of not less than 80 percent of each set of 10 test samples.

(b) Under each prescribed test condition, the net concentration of airborne dust at each drill operator's position shall not exceed 10 million particles (5 microns or less in diameter) per cubic foot of air when determined in accordance with the method given in paragraph (a) of § 33.32.

§ 33.34 Drilling test.

(a) A drilling test shall consist of drilling a set of 10 holes with each drill involved under the specified operating conditions. The drilling of all sets of holes shall begin simultaneously and drilling shall continue until all holes are completed.

(b) Holes shall be drilled to a depth of 4 feet plus or minus 2 inches and shall be spaced so as not to interfere with adjacent holes. Each hole may be plugged after completion.

(c) Receptacles and filters for collecting drill cuttings shall be emptied and cleaned before each drilling test is started.

(d) Holes designated as "vertical" shall be drilled to incline not more than 10 degrees to the vertical. Holes designated as "angle" shall be drilled to incline not less than 30 and not more than 45 degrees to the vertical. Holes designated as "horizontal" shall be drilled to incline not more than 15 degrees to the horizontal.

§ 33.35 Methods of drilling; dust-collector unit.

(a) *General.* All drilling shall be done with conventional, commercial drilling equipment—pneumatic-percussion, hydraulic-rotary, and/or electric-rotary types—in accordance with the applicant's specifications.

(b) *Pneumatic-percussion drilling.* A stoper-type drill with a piston diameter of 2½ to 3 inches shall be used for roof drilling. A hand-held, sinker-type drill with a piston diameter of 2½ to 3 inches shall be used for down drilling and also for horizontal drilling, except that the drill shall be supported mechanically. Compressed air for operating the drill shall be supplied at a gage pressure of 85–95 pounds per square inch. Drill bits shall be detachable, cross type with hard inserts, and shall be sharp when starting to drill each set of 10 holes. In roof drilling, 1¼- and 1½-inch diameter drill bits shall be used; in horizontal and down drilling, 1¾-inch diameter bits shall be used. The drill steel shall be ⅞-inch hexagonal and of hollow type to permit the introduction of compressed air through the drill steel when necessary to clean a hole during drilling.

(c) *Rotary drilling.* A hydraulic-rotary drill with a rated drilling speed of 18 feet per minute free lift, capable of rotating drill steel at 900 revolutions per minute with 100 foot-pounds torque, and having a feed force of 7,000 pounds, shall be used for roof drilling. An electric-rotary drill, supported by a post mounting, with a rated drilling speed of 30 inches per minute and powered by a 2.25 horsepower motor, shall be used for horizontal drilling. For roof drilling, the bits shall be hard-tipped, 1⅜ and 1½ inches outside diameter, and 1¼-inch auger-type drill steel shall be used. For horizontal drilling, the bits shall be hard-tipped, 2 inches outside diameter, and 1¾-inch auger-type drill steel shall be used. Drill bits shall be sharp when starting to drill each set of 10 holes.

§ 33.36 Method of drilling; combination unit or dust-collecting system.

Drilling shall be conducted in accordance with the applicant's specifications and operating instructions. If special drill bits or drill steel are required, they shall be furnished to the Bureau by the applicant. Otherwise the drill bit and drill steel requirements stated in paragraphs (b) and (c) of § 33.35 shall be complied with for all types of combination units or dust-collecting systems.

§ 33.37 Test procedure.

(a) Roof drilling: Drilling shall be done in friable strata, similar to the roof in the Bureau's Experimental Mine, which tends to produce large scale-like cuttings.

(b) Horizontal drilling: Drilling shall be done in strata comparable in hardness to that of coal-mine draw slate. Holes shall be started near the roof of the test space under conditions simulating the drilling of draw slate in coal mining.

(c) Down drilling: Drilling shall be done in typical mine floor strata with a pneumatic percussion-type drill. Five holes shall be drilled vertically and five holes shall be drilled at an angle.

(d) At the Bureau's discretion drilling in "on site" strata may be acceptable in lieu of strata requirements in paragraphs (a), (b), and (c) of this section. (See § 33.20(a).)

§ 33.38 Electrical parts.

(a) Units with electrical parts and designed to operate as electric face equipment (see definition, § 45.44–1 of this chapter) in gassy coal mines shall meet the requirements of Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F), and the examination and testing of the electrical parts shall be entirely separate from the examination and testing of dust-collecting equipment as such.

(b) Units with electrical parts designed to operate only outby the last open crosscut in a gassy coal-mine entry, room, or other opening (including electric-drive units with their controls and push buttons) are not required to comply with the provisions of Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F).

(c) Units with electrical parts and designed for operation only in nongassy coal mines are not required to comply with the provisions of Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F). (See § 33.11(b).)

[F.R. Doc. 60–6354; Filed, July 8, 1960; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

PART 606—SUPPLEMENTAL PROVISIONS

Procurement Action Reporting

All of Subpart C—Procurement Action Reporting is revised except § 606.305, which is redesignated as § 606.306, the material therein remaining unchanged:

§ 606.301 General.

§ 606.301–1 Purpose.

This subpart prescribes reports for furnishing information on procurement actions to the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, and to the Department of Defense.

(a) *DD Form 350 (Individual Procurement Action Report).* DD Form 350 is designed to provide essential procurement records and statistics through a single uniform reporting program as a basis for required recurring and special reports to the President, the Congress, the Office of Civil and Defense Mobilization, the General Accounting Office, the Renegotiation Board, the Small Business Administration, and other Federal agencies. It also provides the Department of the Army with a wide variety of significant data for procurement policy and management control purposes, and provides the Department of Labor with data required in connection with the administration of the Walsh-Healey Public Contracts Act.

(b) DD Form 1057 (*Monthly Procurement Summary by Purchasing Office*). This form provides for reporting a monthly summary of all procurement actions without regard to dollar amount. It includes a total of all actions reported on DD Form 350; a breakdown of actions under $10,000; and information with respect to the utilization of small purchases procedures and indefinite delivery type contracts.

§ 606.301–2 Procurement action.

The term procurement action as used in this report refers to any contractual action to obtain supplies, services, or construction which obligates or deobligates Department of the Army appropriated funds. It includes preliminary contractual instruments such as letter contracts; definitive contracts (both new and superseding, and notices of award);

purchase orders; job orders; task order; delivery orders; and any other orders against existing contracts, including debit and credit actions that modify a contract, such as amendments, change orders, supplemental agreements, cancellations, terminations, and variations in quantities. The term does not include contracts which do not obligate a firm total dollar amount or do not specify a fixed quantity, such as indefinite delivery type contracts (orders or calls placed against such contracts, however, are to be reported as procurement actions when a firm obligation of funds is made), requisitions, and other means of transferring supplies or services within, or between, the military department or the procurement agencies of the Department of Defense.

§ 606.301–3 Verification of data and preparation of punched cards.

Heads of technical services and ZI army commanders shall be responsible for the review and analysis of DD Form 350 and DD Form 1057, the correction of erroneous reports, and codification of reports for electric accounting machine (EAM) processing. Upon completion of editing, auditing, and codification, the DD Form 350 and DD Form 1057 shall be furnished to the Machine Record Activity of the procuring activity for preparation and submission of the required punched cards.

§ 606.302 Individual procurement action report (reports control symbol CSGCD–525(R–4)).

DD Form 350 shall be prepared for each debit and credit procurement action which obligates or deobligates appropriated funds of $10,000 or more, including each letter contract and each contract superseding a letter contract. Procurement actions which are not to be reported under this subpart include:

(a) Procurement actions which have a dollar amount of $10,000 through $25,000 and which relate to the procurement of perishable subsistence by Military Subsistence Supply Agency regional headquarters;

(b) Rental or lease of real estate;

(c) Civil functions such as Engineer Civil Works which shall be reported in accordance with procedures prescribed by the Chief of Engineers; and

(d) Orders placed against contracts entered into by the Military Petroleum Supply Agency (MPSA), which will be reported by MPSA.

§ 606.303 Preparing agencies and submission instructions.

(a) Reports shall be prepared by the purchasing office effecting the procurement and forwarded without letter of transmittal, by airmail, where appropriate, as follows:

(1) Purchasing offices under the jurisdiction of the technical services and purchasing offices under the jurisdiction of the ZI armies shall forward the original DD Form 350 to the head of the procuring activity and a copy of the DD Form 350 to the Deputy Chief of Staff for Logistics, ATTN: Chief, Army Procurement Statistics, Procurement Division, Department of the Army, Washington 25, D.C., within 4 working days after the date (Item 10) of the procurement action being reported. General depots shall prepare and forward a separate DD Form 350 for each procuring technical service in the depot when funds of that service are cited and that technical service shall be designated in the heading of the DD Form 350, Item 4.

(2) Purchasing offices under the jurisdiction of the Chief of the National Guard Bureau; the Commanding General, Military District of Washington, U.S. Army; and the Commanding Generals, United States Army, Alaska; United States Army, Caribbean; United States Army, Hawaii; United States Army, Japan; United States Army, Europe (Rear)/Communications Zone; or a Staff Agency in the Department of the Army (other than a technical service) shall assemble and forward, monthly, original DD Forms 350 to the Deputy Chief of Staff for Logistics, ATTN: Chief, Army Procurement Statistics, Procurement Division, Department of the Army, Washington 25, D.C., and a copy of each DD Form 350 to the Head of the Procuring Activity or Staff Agency concerned, no later than the 5th working day after the close of the month being reported.

NOTE: For procurement actions effected during the month of June only, the above reporting dates are extended 10 additional calendar days.

(b) When the action reported has a value of $500,000 or more, or involves Military Assistance Program funds obligated or deobligated by oversea commands, one additional copy of the DD Form 350 shall be forwarded to the Deputy Chief of Staff for Logistics, ATTN: Chief, Army Procurement Statistics, Department of the Army, Washington 25, D.C.

(c) For each procurement action relating to a contract subject to the Walsh-Healey Public Contracts Act (Subpart F, Part 12 of this chapter), three additional copies of the top portion (first 13 items) of the DD Form 350 shall be prepared and forwarded directly to the Department of Labor, ATTN: Wage and Hour, and Public Contracts Division, Washington 25, D.C.

§ 606.304 Detailed instructions for preparing "Individual Procurement Action Report" (DD Form 350).

NOTE: Detailed instructions for preparation of DD Form 350 are explained under the item numbers below, which correspond to the numbers of the item headings on the face of the form.

(a) *Item 1—Report number.* The report number is the serial number assigned by the preparing office to each DD Form 350. It is determined by consecutively numbering reports from the beginning of each fiscal year, starting with number one, and by adding to this number a hyphen followed by the last two digits of the fiscal year. Where more than one activity in a purchasing office utilizes the same station number, the purchasing office shall assign blocks of numbers to each activity to avoid duplication of report numbers. Enter the number assigned. In addition, enter the number of the last previous procurement action report relating to the contract involved.

(b) *Item 2—Basic contract number.* Enter the basic contract number, such as DA–36–039–SC–66000. For a delivery order issued against a General Services Administration indefinite delivery type contract, enter the GSA contract number in this item and the delivery order number in Item 3.

(c) *Item 3—Modification or other identification number.* Enter the identification and number of letter contract amendments, delivery orders against indefinite delivery type contracts, contract change notifications, change orders, supplemental agreements, and other modifying actions, such as D.O. No. 33, C.O. No. 2, Mod. No. 35, Further Order No. 3, Amendment No. 1, etc.

(d) *Item 4—Purchasing office and mailing address.* Enter sufficient detail to establish the identity and mailing address of the purchasing office submitting the report.

(e) *Item 5—Contractor.* Enter the complete name and office address (street, city, and State or country) of the concern or division of the concern involved. Also enter the name of the parent company if the concern is a division. The contractor code number will be entered by the responsible personnel at Chief of Technical Service level or Headquarters, ZI army level.

(f) *Item 6—Principal place of performance.* Enter the actual location of the plant or place of business where the items will be produced or supplied or where the service will be performed. Principal place of performance, in general, refers to the prime contractor's final assembly point of a manufactured article, construction site, or place where a service is performed for the Government.

(1) Regular dealers normally ship from stock, in which case the place of performance is the regular dealer's location. Regular dealers also ship from subcontractors who produce the items, in which case the place of performance is the subcontractor's location.

(2) If more than one location is involved, show the location involving the largest dollar amount of procurement.

(3) For construction contracts, report the actual site of construction.

(4) In cases where the places of performance will be varied or unknown, enter the home office location of the contractor.

(5) Where set-aside preference is given, the principal place of performance shall be the city and State of the labor surplus or major disaster area which determined the preference.

(6) If the place of performance is a base, post, camp, or station, enter its name and the city and State in which located or the nearest city thereto.

(g) *Item 7—Description of commodity or service.* Enter brief description of commodity or service. When the description of a commodity or service is classified, enter only the word "classified".

(1) When an increase or decrease in funds is the result of price redetermination, change in fixed fee, contract ter-

mination, engineering changes, overruns, accelerated amortization, or continuation of research and development, specify the equipment or service procured under the basic contract, such as "Price Redetermination for M–60 Tanks," "Termination of Contract for XT–1410 Transmissions," "Engineering Changes on Power Plants," etc.

(2) Enter the Federal Supply Classification or Service Code as stated in DA Supply Bulletin 708–401.

(h) *Item 8—Synopsis of proposed procurement.* Check Sub-Item A if the proposed procurement action was synopsized and enter the IFB or RFP number in the space provided. If the procurement action was not synopsized, check as appropriate one of Sub-Items 1 through 17, which identifies the permissive ASPR authority (§ 1.1003–1 (a) through (q) of this title) for not synopsizing the action; Sub-Item 18 if the action is made pursuant to the terms of an existing contract but not increasing the scope of work; or Sub-Item 19 if the action was estimated to be under $10,000 at the time of solicitation but amounted to $10,000 or more at the time of award.

(i) *Item 9—DD Claimant Program Number.* Check the appropriate DDCP number that identifies the commodity described in Item 7.

(1) If the description in Item 7 is for research and development, the objective of the research and development shall control the DDCP number to be checked; e.g., if the objective of the research and development is a guided missile, check Sub-Item A–2. If the description in Item 7 is for basic research that cannot be identified with a particular claimant program, check Sub-Item S–1.

(2) Contracts for ship repair, IRAN and modification of aircraft, overhaul of engines, and like services shall be identified with a particular claimant program where possible. If a particular claimant program cannot be identified check Sub-Item S–1.

(j) *Item 10—Date of this action.* Enter the day, month, and year when a mutually binding agreement was reached. This shall be the effective date for fiscal obligation purposes. As a general rule, this occurs when a notice of award or fully executed document is manually delivered or placed in the mail to the contractor. In the case of letter contracts the date to be entered in this block is the date when the signed copy is received from the contractor.

(k) *Item 11—Estimated completion date.* Enter the month and year it is estimated the work called for by the contract will be completed. Words such as "continuous," "indeterminate," "unknown," or "100 days after approval of first article," are not acceptable. For basic contracts, the last delivery date shall govern the entry in this item. For supplemental agreements, the entry shall be governed by the delivery date in the specific supplemental agreement rather than the delivery dates of the basic contract. For engineering changes and spare parts provisioning actions, enter the date of delivery of the last end item involved. Where the estimated completion date is not affected by the action being reported, enter the date of delivery of the last end item involved.

(l) *Item 12—Subject to Walsh-Healey Public Contracts Act.* Check in accordance with the provisions of the contract. (Subpart F, Part 12 of this title.) If Sub-Item 1 or 2 is checked submit three copies of the top portion of DD Form 350 directly to the Department of Labor, Wage and Hour and Public Contracts Divisions, Washington 25, D.C. (§ 606.303(c)) except for contracts classified Confidential or higher.

(m) *Item 13—Value of this action.* Enter the net amount of funds obligated or deobligated by the contractual instrument being reported. Amounts will be entered in United States dollars and will be rounded to the nearest dollar. If the action increases the amount of Government obligation, also enter the symbol "DD" (for debit); if the amount of obligation is decreased, enter the symbol "CR" (for credit).

(n) *Item 14—Labor surplus or major disaster area.* (1) Labor Surplus Area: For definition see Subpart H, Part 1 of this title.

(2) Labor Surplus Industries: See Subpart H, Part 1 of this title for designations of such industries.

(3) Major Disaster Area—is an area so designated under the provisions of Public Law 875, 81st Congress, as amended (42 U.S.C. 1855b) and as implemented by Defense Mobilization Order VII–7 Supplement 1.

(4) Check as appropriate one of Sub-Items 1 through 5 for all actions placed in labor surplus and major disaster areas, labor surplus industries, including labor surplus area certifications furnished by local State Employment Offices, and enter the name of the appropriate area or industry in the space provided. A labor market area takes its name from the central city or cities located therein but also may include many other communities within its boundaries. The Department of Labor publication, "Directory of Important Labor Market Areas," defines all classified labor areas and lists all major communities located within the boundaries of labor market areas.

(5) If Sub-Item 3 is checked, Item 18, Sub-Item 1a also shall be checked.

(6) Check Sub-Item 6 if labor surplus or major disaster area consideration was not involved.

(o) *Item 15—Kind of procurement action.* Check one of Sub-Items 1 through 9 for each procurement action, including modification of an existing contract or order.

(1) *Sub-Item 1—Initial letter contract.* Check this sub-item when a new letter contract is executed. (For a letter contract which is designated as a modification to an existing contract, see Sub-Item 6.)

(2) *Sub-Item 2—Definitive contract superseding letter contract.* Check when applicable. (For a definitive modification which supersedes a letter contract designated as a modification to an existing contract, see Sub-Item 6.)

(3) *Sub-Item 3—Definitive contract (including notice of award).* Check this sub-item when the first binding document is the instrument containing all the terms and conditions of the agreement.

(4) *Sub-Item 4—Order under contract.* Check this item when reporting orders against indefinite delivery type contracts, priced exhibits, production lists, job orders, task orders, and the like, where firm obligations are created by the issuance of such documents. This type of instrument and number shall be entered in Item 3.

(5) *Sub-Item 5—Provisioning order.* This Sub-Item will not be used by the Department of the Army.

(6) *Modifications.* Check one of Sub-Items 6 through 9, as appropriate, for letter contracts designated as modifications and all other modifications to existing contracts.

(7) *Sub-Item 6—Additional work.* Check this Sub-Item when additional work is procured by means of a modification to the basic contract or order, as follows:

(i) Bi-lateral contract amendments and supplemental agreements which increase the scope of work of existing contracts but are not authorized by the terms of existing contracts; change orders, and exercise of options for increased quantities or extended performance.

(ii) Amendments to delivery orders, etc., increasing the number or quantity of items.

(iii) Amendments to letter contracts increasing the scope of work, including letter contracts designated as modifications and definitive modifications superseding letter contracts designated as modifications.

(8) *Sub-Item 7 — Funding action.* Check this sub-item for letter contract amendments and other contract modifications which do not change the scope of work of the existing contract but obligate or deobligate funds. This includes, by way of illustration, incremental funding, overruns on cost reimbursement contracts, and repricing actions covering incentive, price redetermination, and escalation.

(9) *Sub-Item 8—Change order.* Check this sub-item when reporting contract change notifications, change orders, or supplemental agreements issued pursuant to the "Changes" or "Changed Condition" clause or similar provisions of existing contracts.

(10) *Sub-Item 9—Termination or cancellation.* Check this sub-item when reporting a termination or cancellation action.

(p) *Item 16—Contract placement.* Check one of Sub-Items 1 through 5, as appropriate, to show the method used in making the procurement. Letter contract amendments, delivery orders against an activity's own indefinite delivery type contracts, contract change notifications, change orders, supplemental agreements, and other modifying actions made pursuant to the terms of existing contracts shall be reported the same as the basic contract to which they apply.

(1) *Sub-Item 1—Intragovernmental.* Check this sub-item if the action is an Interservice Interdepartmental action as defined below:

(i) *Interservice actions.* Include purchase orders or other procurement instruments placed by one Department of Defense activity against indefinite delivery type contracts or agreements executed by another Department of Defense activity. Examples are: (*a*) Orders placed by one military department against contracts entered into by another military department; (*b*) orders placed by activities of one military department against contracts entered into by other activities of the same military department, (c) orders placed by a military department or activity (other than single manager activities) against contracts entered into by single manager agencies. All contracts entered into by the Military Petroleum Supply Agency (MPSA), including definite delivery type, shall be reported directly by MPSA, and the Army, Air Force, and other Navy purchasing activities shall not report orders placed against indefinite type petroleum contracts entered into by MPSA. Orders placed by an activity against its own indefinite delivery type contract shall not be reported as interservice actions but shall be reported as advertised or negotiated as appropriate. See Sub-Items 3 and 5.

(ii) *Interdepartmental actions.* Include procurements from or through departments, agencies, institutions, or corporations of Federal, State, or local governments, other than Department of Defense. State-controlled educational institutions shall not be reported as interdepartmental, but shall be reported as non-profit institutions. See Item 17, Sub-Item 3. Examples are: (*a*) Orders placed by a military department or activity against contracts entered into by any Federal, State, or local government, agency, institution, or corporation, outside the Department of Defense, (*b*) contracts placed by a military department or activity with any Federal, State, or local government department, agency, institution, or corporation outside the Department of Defense.

NOTE: When Sub-Item 1 is checked, no entries shall be made in Items 17, 18, 19, and 20.

(2) *Sub-Item 3—Advertised.* Check this sub-item for new or modifying actions relating to procurement which resulted from acceptance of a bid made by a supplier in response to formal advertisement for bids (Part 2 of this chapter). Check also for orders against a reporting activity's own indefinite delivery type contract and exercise of option provisions in contracts originally placed through formal advertising.

NOTE: When Sub-Item 3 is checked, no entries shall be made in Items 18 and 19.

(3) *Sub-Item 4—Small business restricted advertising.* Is a form of negotiated procurement conducted in the same way as prescribed for formal advertising under Part 2 of this chapter, except that bids and awards are restricted to small business concerns. When Sub-Item 4 is checked, Item 18, Sub-Item A–1B or Sub-Item D–17A shall be checked, as appropriate, and Item 19, Sub-Item 1 shall be checked.

(4) *Sub-Item 5—Negotiated.* Check this sub-item for new or modifying actions relating to procurement resulting from negotiation procedures (Part 3 of this chapter). Check also for orders against an activity's own indefinite delivery type contracts and exercise of option provisions in contracts originally placed through negotiation procedures. When Sub-Item 5 is checked, the appropriate negotiation exception shall be checked in Item 18, and the appropriate sub-item of Item 19 shall be checked.

(q) *Item 17—Small business.* For definition see Subpart G, Part 1 of this title. Letter contract amendments, delivery orders against an activity's own indefinite delivery type contracts, contract change notifications, change orders, supplemental agreements, and other modifying actions shall be reported the same as the basic contract to which they apply.

(r) *Awarded to large business.* Check one of Sub-Items 1A through 1N if the contractor is a large business concern.

(1) Check Sub-Item 1A only when no small business source, considered technically and financially competent, (i) is on the appropriate bidders list, (ii) has submitted a bid or proposal, and (iii) has been proposed for solicitation by the small business representative of the Small Business Administration or of the purchasing office.

(2) Check one of Sub-Items 1B through 1E, as appropriate, only when there are small business sources for the commodity or service which are considered technically and financially competent, but this procurement was negotiated with a large business concern without solicitation of bids or proposals from small business sources because of considerations fully justified by established Department of Defense policy relating to: (i) Emergency procurement; (ii) maintenance of the mobilization base; (iii) proprietary or process control including patent rights, copyrights, secret process, and control of basic raw material, and standardized equipment negotiated under 10 U.S.C. 2304(a)(13); and (iv) quantitive or delivery requirements of the procurement.

(3) Check one of Sub-Items 1J through 1N on the basis of the facts as determined at the time of the award of the contract. Sub-Item 1N shall not be used if either Sub-Item 1L or 1M is applicable. The term "bid" as used in this section includes proposals under negotiated procurements, as well as formal bids under advertised procurement procedures.

(4) When more than one reason is involved in placing an award with a large, rather than a small business concern, the dominant reason shall be checked. The reasons are listed in order of relative importance.

(5) Check Sub-Item 2, if the award was made to a small business concern.

(6) Check Sub-Item 3, if the award was made to a non-profit institution which is defined as any corporation, foundation, trust, or institution not organized for profit, no part of the net earnings of which inures to the profit of any private shareholder or individual. Included are educational and scientific institutions of a non-profit nature.

(7) Check Sub-Item 5, if the work is to be performed outside of the United States, its possessions, and Puerto Rico.

(s) *Item 18—Negotiated under 10 U.S.C. 2304(a) exception.* This entry applies only to negotiated procurement actions.

(1) Negotiation of original contracts and of amendments for additional quantities or services shall cite, as authority for such negotiation, the authority of 10 U.S.C. 2304(a) which applies, and as cited in the appropriate Determination and Findings. Negotiations of all other amending actions which are negotiated in accordance with the provisions of the basic contract that have not been made subject to a separate Determination and Findings shall cite, as authority for such negotiation, the authority under 10 U.S.C. 2304(a) which was cited as authority for negotiating the basic contract.

(2) Check Sub-Item 1A to record negotiated actions pertaining to labor surplus area or industry set-asides. Labor Surplus Set-Aside designates a method of procurement whereby a portion of the requirement is withheld from general solicitation (either formally advertised or negotiated), and is reserved for negotiation exclusively with labor surplus area concerns as defined in Subpart H, Part 1 of this title.

(3) Check Sub-Item 1B to record negotiated actions pertaining to small business set-asides made unilaterally by a Department of the Army contracting officer. Small Business Set-Aside designates a method of procurement whereby either the total amount or a portion of a requirement is withheld from general solicitation and is reserved exclusively for small business concerns. These procurements are considered "negotiated" regardless of whether the contract is awarded by negotiation or by formal advertising procedures (Subpart G, Part 1 of this title).

(4) Check Sub-Item 1C to record negotiated actions pertaining to major disaster area set-asides. Major Disaster Area Set-Aside designates a method of procurement whereby either the total amount or a portion of a requirement is withheld from general solicitation and is reserved exclusively for firms located in major disaster areas and is to be performed substantially within such major disaster areas.

(5) Check Sub-Item 1D to record negotiated actions for property or services for experimental, developmental, or research work, or for making or furnishing property for experimentation, test, development, or research involving not more than $100,000 from contractors other than educational institutions.

(6) Check Sub-Item 1E to record the following types of modifying procurement actions executed under the authority of the provisions of a basic contract, negotiations for which were initiated prior to January 1, 1956: change order, supplemental agreements, or contract amendments issued pursuant to contractual provisions relating to changes, changed conditions, price escalation, price redetermination, incentive, and termination for convenience.

(7) Check Sub-Item B, as appropriate, when negotiation was accomplished pursuant to 10 U.S.C. 2304(a) (2), (4), (5), (6), (7), (8), (9), (11), (12), (13), (14), (15), or (16).

(8) Check Sub-Item C, as appropriate, when negotiation was accomplished pursuant to 10 U.S.C. 2304(a)(10). The procurement circumstances applicable to the negotiation as described in § 3.210–2 of this title are set forth as 10–1 through 10–15, representing (i) through (xv). Sub-Item C "10– (Specify code)" will be checked and appropriate number inserted only if additional procurement circumstances are later published in Subchapter A, Chapter I of this title. Check Sub-Item 10–26 if none of the procurement circumstances set forth in § 3.210–2 of this title is applicable.

(9) Check Sub-Item D when negotiation was accomplished pursuant to 10 U.S.C. 2304(a)(17) Sub-Item 17A shall be checked when reporting Joint Small Business Set-Asides pursuant to Public Law 85–536, i.e., set-asides agreed to jointly by the Small Business Administration representative and the Department of the Army contracting officer. Check Sub-Item 17B when any other public law authorized the negotiation and enter the number of the public law. For repurchase actions following default, check Sub-Item 17B and enter the words, "Repurchase Action."

(t) *Item 19—Extent of competition in negotiation.* The purpose of this item is to provide statistics reflecting the extent and kind competition obtained under contracts executed pursuant to the negotiation authorities of Subchapter A, Chapter I of this title. In addition to data on price competition, provision is made to show separately, competition obtained on certain contracts resulting from the participation by numerous firms in precontract briefings and the submission of design and technical proposals incident to the selection of a single contractor with whom final negotiations were conducted.

(1) Check Sub-Item 1 when two or more sources were solicited, i.e., where two or more sources were requested to submit proposals for the purpose of negotiation.

(2) When only one source was solicited, check Sub-Item 2 in reporting procurement actions involving weapon systems, support systems, and other complex equipments specifically identified by the Chiefs of Technical Services, and listed below, as having been negotiated initially by design or technical competition, whether or not price considerations were involved. This includes procurement actions for research, design, development, and production of weapon systems, support systems, and other complex equipments, where industry capability was appraised and the successful contractor was selected by the Government on a competitive basis as a result of technical considerations and negotiations. This item will also be checked for procurement actions covering follow-on procurements of those specifically identified weapon systems, support systems, and other complex equipments, and also for contracts with "Selected Prime Contractors" for spare parts support, engineering and maintenance of such systems and equipments. For example, where under departmental selection procedures, an evaluation was made of technical or design proposals submitted by several different firms and determination was made to conduct further negotiations with only one of the firms, the procurement action report (DD Form 350) covering the resulting contract shall be checked in Sub-Item 2.

NOTE: The following list of missile systems, support systems, and other complex equipment systems have been specifically identified by the chiefs of the technical services as having been negotiated initially by design or technical competition, whether or not price consideration was involved. Where doubt exists as to the Selected Prime Contractor for a specific system, the name of the contractor will be obtained from the technical service having cognizance of the specific system.

Corps of Engineers

Nuclear Power Plants.
Transit Satellite System.
Electric Power Generators for Missile Systems.
Air Conditioning Equipment for Missile Systems.
Survey and Geodetic Equipment for Missile Systems.
Liquid and Compressed Gas Equipment for Missile Systems.

Ordnance Corps

Corporal.
Sergeant.
Honest John.
Improved John.
Target Missiles (Type I thru V).
Little John.
Missile A.
Light Assault Weapon.
Mauler.
Redeye.
Hawk.
La Crosse.
Shillelagh.
Plato.
Talos.
Redstone.
Jupiter.
Pershing.
Jackstraw.
Zebra.
Davy Crocket.
Madfrag.
Tank, Combat, Full Tracked: 90 MM Gun, M48 Series.
Tank, Combat, Full Tracked: 105 MM Gun, M60.
Recovery Vehicle, Full Tracked: Medium, M88.
Truck, Utility: ¼ Ton, 4 x 4, M151.
Semitrailer, Tank: Gasoline, 5,000 Gallon, 4 Wheel, M121A1.
Carrier, Personnel, Full Tracked: Armored, M113.
Chassis, Truck: 5 Ton, 6 x 6, M39 Series.
Chassis, Truck: 2½ Ton, 6 x 6, M44 Series.
Semitrailer, Refrigerator: 7½ Ton, 2 Wheel, M349A1.
Trailer, Cable Reel: 3½ Ton, 2 Wheel, M310.
Trailer, Cargo: ¾ Ton, 2 Wheel, M101.
Trailer, Cargo: 1½ Ton, 2 Wheel, M105A2.
Trailer, Tank: Water, 400 Gallon, 2 Wheel, M107A2.
Semitrailer, Stake: 12 Ton, 4 Wheel, M127A1.
Semitrailer, Van: Cargo, 12 Ton, 4 Wheel, M128A1.
Semitrailer, Van: Supply, 12 Ton, 4 Wheel, M129.
Dolly, Trailer Converter: 8 Ton, 2 Wheel, M198A1.
Chassis, Trailer: Generator, 2½ Ton, 2 Wheel, M200A1.
Chassis, Semitrailer: 6 Ton, 4 Wheel, M295A1.

Signal Corps

Courier, Satellite Communications System.
Inertialess Tracking Antennae System.
AN/VRC–12 Vehicular Radio Communications System.
Pulse Code Modulation System.
Inertialess Navigation System.
Wide Band Antenna Feed System.
Operations Central AN/MSQ–19 (TOC).
Mobidic "A."
Mobidic B, C, D & 7th Army.
AN/TSW–1 Air Traffic Control System.
AN/APS–94.
Airborne Target Locator.
Project Tyros.
Ground Surveillance Complex for Tracking Stations.
Day Drone Photo System.
AN/USD–4 Drone System.
AN/USD–5 Drone System.
AN/MPQ–32 Hostile Artillery Location & Registration Radar.
Unicom (Universal Integrated Communications System).
Development of Army Prototype Electronic Warfare Systems.
War Gaming for Signal Combat System.
Automatic Data Processing Test Facility.
Photo Transmission System.
Medium Payload, Short Range Surveillance System.
Electronic Environmental Test Facilities.
Fire Direction System for Large Area Anti-Aircraft Defense Systems CONUS (AN/FSG–1).
Corps-Army Area Type Communication System.
Division Components for Area Type Communications System.
Anti-Aircraft Defense System, for Field Army and Theatre Rear Area (X–AN/MSG–4).
Surveillance Drone Systems AN/USD–3.
Surveillance Drone Systems AN/USD–1.

Chemical Corps, Quartermaster Corps, Army Medical Service, and Transportation Corps

None.

(3) Check Sub-Item 3 to report procurement actions where there was no competition, i.e., where neither price, design, nor technical competition was a factor in the award, where the work involved was not a specifically identified system or equipment under Sub-Item 2 above, and only one source was solicited for negotiation.

(4) Letter contract amendments, delivery orders against an activity's own indefinite delivery type contract, contract change notifications, change orders, supplemental agreements, and other modifying actions made pursuant to terms of existing contracts shall be reported the same as the basic contract to which they apply.

(u) *Item 20—Type of contract.* Check only one of the sub-items in accordance with the provisions of the basic contract. See Subpart D, Part 3, of this title.

Letter contract amendments, delivery orders against an activity's own indefinite delivery type contracts, contract change notifications, change orders, supplemental agreements, provisioning order obligating documents and other modifying actions shall be reported the same as the basic contract to which they apply.

(v) *Item 21—Contract purpose.* Check one of Sub-Items A through M or Sub-Item Z to show the purpose of the contract. If more than one purpose is

involved, check the sub-item most nearly describing the predominant purpose. Letter contract amendments, delivery orders against an activity's own indefinite delivery type contracts, contract notifications change orders, supplemental agreements, and other supplementary actions shall be reported the same as the basic contract to which they apply.

(1) *Sub-Item A—Supply.* Applies when procurement is for supplies purchased with appropriated funds. Supplies procured for the purpose of research and development shall be shown as "Supply" even though Research, Development, Test, and Evaluation, Army (RDT&E) funds were expended.

(2) *Sub-Item B—Maintenance of equipment.* Applies to maintenance, modification, and overhaul of Government property, including ship repair but exclusive of buildings and grounds.

(3) *Sub-Item C—Maintenance of buildings and grounds.* Applies to maintenance, alterations, and repair of buildings and grounds.

(4) *Sub-Item D—Transportation.* Applies to transportation of persons and things, tug services, stevedoring, freight handling, drayage, ocean transportation, motor van services, repair of chartered railroad equipment or vessels, towage, lighterage, truck services, salvage services, and lumber handling. It does not apply to Government bills of lading or transportation requests, nor does it apply to transportation agreements which do not involve receipt of or expenditure of funds, such as switching agreements, rate and traffic agreements, track and interchange agreements, participation in railroad codes and rules and acceptance quotations under section 22 of the Interstate Commerce Act.

(5) *Sub-Item E—Construction.* Applies to construction of buildings, bridges, roads, or other real property, irrespective of source of appropriated funds.

(6) *Sub-Item F—Facilities (Industrial).* Applies to industrial facilities contracts. (Including machine tools and other production equipment, to provide production capacity.)

(7) *Sub-Item G—Utilities.* Applies to utility services such as telephone, electricity, gas, water, sewage, and steam.

(8) *Sub-Item H—Lease of Equipment.* Applies to leases or rentals of personal property.

(9) *Sub-Item I—Professional Services.* Applies to contracts for the performance of professional services, e.g., for the performance of architectural and engineering services.

(10) *Sub-Item J—Personal services.* Applies to personal services which are performed by the individual contractor or person, such as technical consultant or management engineer.

(11) *Sub-Item K—Non-personal services.* Applies to services such as laundry and drycleaning, packing and crating, and technical representative services.

(12) *Sub-Item L—Production engineering.* Applies to contracts for studies and drawings, after research and development of an item but prior to production. (Includes development of production processes, techniques, methods, and other elements of manufacture relating to improving production know-how prior to quantity production.)

(13) *Sub-Item M—Layaway-standby.* Applies to contracts for retention of facilities by the contractor under mobilization planning. (Includes preparation for storage of idle production facilities.)

(14) *Sub-Item Z—Experimental, developmental, and research.* Applies to contracts for research, developmental, and experimental work. Insert the Research and Development Project Number, if any, which has been assigned by the project approving activity in accordance with departmental instructions. If no project number has been assigned insert the word "none". For supplies procured for the purpose of research and development, see Sub-Item A.

(w) *Item 22—Security classification of the contractual instrument being reported.* Check one of Sub-Items 1 through 4, as appropriate, to show the security classification of the contractual instrument being reported—not the security classification of the basic contract.

(x) *Item 23—Remarks.* Enter any explanatory data considered necessary.

(y) *Item 24—Cumulative net value of this contract (incl. this action).* Enter the cumulative net dollar value of obligations incurred under the contract, including the value of the action being reported. This cumulative value will include amendments of less than $10,000 as well as those of $10,000 or more. This item need not be filled in for an order under contract, task order, or similar action.

NOTE: Numbers or letters are omitted from items 16, 17, 20, and 21 in order to maintain continuity of coding on EAM tabulations.

§ 606.305 Monthly Procurement Summary by Purchasing Office (DD Form 1057) Reports Control Symbol CSGLD–534 (R4).

§ 606.305–1 Reporting requirements.

Negative reports are required:

(a) DD Form 1057 shall be prepared monthly for all procurement actions without regard to dollar amount except:

(1) Rental or lease of real estate;

(2) Civil functions such as Engineer Civil Works which shall be reported in accordance with procedures prescribed by the Chief of Engineers;

(3) Orders placed against contracts entered into by the Military Petroleum Supply Agency (MPSA); and

(4) Debit and credit actions under $10,000 that modify a contract, such as amendments; change orders; supplemental agreements; cancellations; and terminations.

(b) Where the consolidated DD Form 1057 includes reports of subordinate agencies or activities which have fiscal station numbers different from that of the reporting agency, list all such station numbers in the block titled "Reporting Office Code."

§ 606.305–2 Preparing agencies and submission instructions.

Reports shall be prepared by each purchasing office effecting procurement, and forwarded, without a letter of transmittal, by airmail where appropriate, as follows:

(a) Each purchasing office under the jurisdiction of a technical service (including those at general depots) and each purchasing office under the jurisdiction of a ZI army shall prepare a single consolidated DD Form 1057 covering all procurement actions effected by that office, regardless of the source of funds (§ 606.303(a)(1)). The original DD Form 1057 shall be forwarded to the Head of the Procuring Activity concerned and a copy of the DD Form 1057 shall be forwarded to the Deputy Chief of Staff for Logistics: Attn: Chief, Army Procurement Statistics, Procurement Division, Department of the Army, Washington 25, D.C., as soon as possible, but not later than the 8th working day, after the close of the calendar month being reported.

(b) All other purchasing offices, identified in § 606.303(a)(2), shall forward the original DD Form 1057 to the Deputy Chief of Staff for Logistics, Attn: Chief, Army Procurement Statistics, Procurement Division, Department of the Army, Washington 25, D.C., and a copy of the DD Form 1057 to the Head of the Procuring Activity or Staff Agency concerned, as soon as possible, but not later than the 5th working day, after the close of the calendar month being reported.

(c) For procurement actions effected during the month of June only, reporting dates are extended 10 additional calendar days.

NOTE: DD Form 1057 as presently submitted excludes Military Petroleum Supply Agency (MPSA) actions and modifications under $10,000, both of which are considered significant in dollars and actions for measuring procurement workload. In order that complete data are available to the Army Management system and other staff agencies, each reporting office will show as a "Memorandum Record" on the reverse of the DD Form 1057 the following information:

Modifications under $10,000

Total Actions, Total Debit Dollars: (a) Small Business (b) Large Business (c) Other.
Total Actions, Total Credit Dollars: (a) Small Business (b) Large Business (c) Other.

Delivery Orders Against MPSA Contracts

Actions Dollars

§ 606.305–3 Detailed Instructions for Preparing "Monthly Procurement Summary by Purchasing Office" (DD Form 1057).

The following instructions cover only those portions of the form which are not self-explanatory.

(a) *Section A—All procurement actions.*—(1) *Line 1—Total.* This entry represents total procurement over $10,000 (line 2) plus total procurement less than $10,000 (line 3).

(2) *Line 2—Actions of $10,000 or more.* Enter the total number (sum of debit and credit actions) and net value (debits

minus credits) of new and modifying procurement actions taken during the month being reported which have a value of $10,000 or more and which have been reported on the DD Form 350 (§ 606.302). In addition these figures shall include procurement actions of $10,000 through $25,000 relating to perishable subsistence procured by the Military Subsistence Supply Agency which were not reported on the DD Form 350.

(3) *Line 3—Actions of less than $10,000.* Enter the total number and value of debit procurement actions taken during the month which have a value of less than $10,000. Modifying actions of less than $10,000 are excluded from this report.

(b) *Section B—Negotiated actions less than $10,000.* Section B shall show a breakdown of negotiated debit procurement actions of less than $10,000 by the provision of 10 U.S.C. 2304(a) permitting negotiation (§§ 3.201 through 3.217 of this title). Particular attention is called to line 1 since § 3.201 of this title and § 592.201 of this chapter restrict the use of 10 U.S.C. 2304(a)(1). If 10 U.S.C. 2304(a)(1) is cited as the authority for negotiations, indicate the reason by appropriate entries in lines a through d of Section B. Line 3 shall include only those negotiated procurements of $2,500 or less using 10 U.S.C. 2304(a)(3). The total of lines 1 through 17 will be the same as the total negotiated procurement in lines 4b, 6b, 7b, and 8b.

(c) *Section C—Experimental, developmental, and research actions of less than $10,000.* Section C is a breakdown of all contracts under $10,000 for experimental, developmental, and research which were negotiated under 10 U.S.C. 2304(a)(1), 10 U.S.C. 2304(a)(3), or 10 U.S.C. 2304(a)(5).

(d) *Section D—Special utilization.* (1) Line 1: refers to DD Form 1155 over $2,500.

(2) Line 2—Requirements contract (§ 3.405–5(b) of this title): formerly Open-End Contracts.

(i) Enter the sum of the total number of requirements contracts currently in force at the end of the month which were entered into by the reporting agency or by any one of its subordinate agencies or activities not reporting direct to the Office of the Deputy Chief of Staff for Logistics.

(ii) Enter the sum of the total number and value of delivery orders which were issued during the month against requirements contracts entered into by any procuring activity of the Department of the Army. Do not report orders against requirements contracts entered into by a procuring activity of any other Military Department or Federal agency.

(3) Line 3—Indefinite quantity contract (§ 3.405–5(c) of this title): contains features of both the former Call Type and Open-End Contracts. Using the procedure prescribed in subparagraph (2) of this paragraph for requirements contracts, enter appropriate data for indefinite quantity contracts.

(4) Line 4—Definite quantity contract (§ 3.405–5(a) of this title): formerly Call Type Contract. Using the procedure prescribed in subparagraph (2) of this paragraph for the requirements contracts, enter appropriate data for definite quantity contracts.

(5) Line 5—Charge accounts: (i) Enter the total number of individual transactions consolidated by purchase orders which were issued during the month in payment of charges incurred under charge accounts.

(ii) Enter the total number and value of purchase orders which were issued during the month in payment of charges incurred under charge accounts.

(e) *Section E—Small purchase procedures.* Section E provides for a further breakdown of procurement actions reported in Section A, to show the number of small purchases actions made by negotiation under 10 U.S.C. 2304(a)(3), using the procedures set forth in Subpart F, Part 3, of this title and Subpart F, Part 592 of this chapter with the purchase order forms designated in Section E.

(1) This section shall not reflect the use of any of these forms as delivery orders.

(2) QMC Form 300 shall not be reported as a purchase or delivery order Section E.

(3) Line 5 refers to negotiated procurements for $2,500 or less, using forms other than those listed in lines 2, 3, and 4.

(f) *Remarks.* On the reverse side of the form, enter a listing of the Individual Procurement Action Reports (DD Form 350) which are being reported in Section A, line 2.

[C 23, APP, June 24, 1960] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

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

[F.R. Doc. 60–6350; Filed, July 8, 1960; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

KODIAK, ALASKA

Notice of Proposed Designation as a Customs Port of Entry in Customs Collection District 31 (Alaska)

Notice is hereby given that pursuant to the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), it is proposed to establish a new customs port of entry at Kodiak, Alaska, in Customs Collection District No. 31 (Alaska), and to amend § 1.1(c) of the Customs Regulations to indicate this change.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Data, views, or arguments with respect to the proposed designation of Kodiak, Alaska, as a customs port of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held. (MC 192–31.1).

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: June 29, 1960.

LAWRENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F.R. Doc. 60–6391; Filed, July 8, 1960; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 994]

[Docket No. AO–300–A1]

MILK IN THE COLORADO SPRINGS-PUEBLO MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Colorado Springs-Pueblo marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment, as hereinafter set forth, to the tentative marketing agreement and to the order, was formulated, was conducted at Colorado Springs, Colorado, on June 21–22, 1960, pursuant to notice thereof which was issued May 31, 1960 (25 F.R. 4919).

The material issues on the record of the hearing relate to:

1. The Class I price;
2. The Class II price;
3. Pool plant requirements and clarification of plant definitions;
4. Classification of milk transferred or diverted to nonpool plants;
5. Limitations on diversions;
6. Location adjustments to producers;
7. Administrative charges to partially regulated handlers; and
8. Allocation of packaged sour cream received from plants where it has been classified and priced as Class I under another Federal order.

Inasmuch as the Class I price provision will expire July 31, 1960, immediate consideration is necessary on issue number 1, therefore this decision is confined to this issue. The remaining issues will be considered in a separate decision at a later date.

Findings and conclusions. The following findings and conclusions are confined to material issue number 1 and are based on evidence presented at the hearing and the record thereof:

1. The Class I price provisions should be continued 18 months beyond its present expiration date.

Producers proposed the continuation of the present Class I price. A handler testified in support of producers' proposal. No testimony in opposition was offered.

The Class I price presently is determined by adding $2.20 to the basic formula price for the preceding month. When the order was issued, effective February 1, 1959, this Class I price provision was made effective for a temporary period of 18 months. It was contemplated that after a full year's operation of the order, there should be opportunity to review the Class I price in the light of experience under the order.

Class I sales and producer milk supplies have both increased in the Colorado Springs-Pueblo market in the past year. For the five-month period January through May 1960, Class I sales of pool plants were 12.7 percent higher than those of the comparable period in 1959. Producer receipts in this period were 124.6 percent of those in the same months of 1959. The ratio of producer receipts to Class I sales was 119.2 percent in January–May 1959 and 130.9 percent in January–May 1960.

This higher ratio of increase in production over sales would in most circumstances indicate need for some downward adjustment of the Class I price in order to avoid excessive supplies for the market. There are, however, circumstances in the Colorado Springs-Pueblo market that indicate strongly the need for further experience under the order before arriving at a conclusion concerning the effect over the longer term of present pricing provisions in influencing a proper level of supply for the market.

The most significant factor in the changing supply-sales relationship from early 1959 to early 1960 is the fact that in early 1960 the Fort Carson military installation was supplied by a Denver handler. When this handler became fully regulated under the order, his milk supply was used to fulfill the contract. Local milk previously used to fulfill the contract then had to be classified as Class II. The needs of Fort Carson represent about 10 percent of the Class I sales of local handlers so that the shift of this one contract had a significant impact. At the time of the hearing the Fort Carson contract for the six-month period beginning July 1, 1960, had not yet been awarded.

The trend of producer numbers since the effective date of the order has been quite erratic. There was an increase of 145 producers (42 percent) from February to March 1959, decreases of 81 and 39, respectively, occurred in April and May and there was an increase of 38 in July. In a substantial number of cases producers supplied the market for only a few days, indicating that such producers were primarily associated with other markets, and that this milk was either received to meet the peak demand of an individual handler or that the pool was carrying reserves associated with other markets. Certain issues of this hearing are related to establishing the regular association of producers with the market as a condition of pooling or diversion.

The Colorado Springs-Pueblo market competes for supplies and sales with the substantially larger nearby Denver market. For May 1960, the Colorado Springs-Pueblo Class I price was 45 cents less than the Class I price reported as prevailing in the Denver market. While classification and accounting in Denver differ from Colorado Springs-Pueblo to the point that close comparisons cannot be made, the present Class I price is in

reasonable alignment with the neighboring market under present conditions.

Continuation of present pricing provisions for another 18-month period will provide opportunity for a better basis for evaluation of the supply responses to such pricing in the light of developments in this and neighboring markets. It is concluded that the order should so provide.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of an interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 994.51(a) and substitute therefor the following:

(a) *Class I milk.* During the period through January 1962, the basic formula price for the preceding month plus $2.20.

Issued at Washington, D.C., this 7th day of July 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-6423; Filed, July 8, 1960; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Dow Chemical Company, Midland, Michigan, proposing that § 121.207 of the food additive regulations be amended to include the use of zoalene in the prevention and control of coccidiosis caused by Eimeria acervulina, Eimeria brunetti, and Eimeria maxima.

Dated: July 1, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-6374; Filed, July 8, 1960; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Substances Generally Recognized as Safe; Trace Minerals in Animal Feed

In re: Proposal to list certain chemicals as substances which are generally recognized as safe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act when incorporated as trace minerals in animal feeds for nutritional purposes:

In a notice published in the FEDERAL REGISTER of March 19, 1960 (25 F.R. 2367), it was announced that the Commissioner of Food and Drugs was reconsidering the facts and evaluating the comments received as a result of the notice of proposed rule making in the above-entitled matter published in the FEDERAL REGISTER of December 31, 1959 (24 F.R. 11109). As a result of this study and after conferences with experts in the field of animal nutrition and members of the feed-manufacturing industry, the Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 72 Stat. 1785, 52 Stat. 1055, as amended; 21 U.S.C. 348, 371), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500), hereby proposes to add the following trace minerals that are incorporated in animal feeds to the list of substances generally recognized as safe (Subpart B, § 121.101, 21 CFR 121.101):

§ 121.101 **Substances that are generally recognized as safe.**

* * * * *

(f) *Trace minerals added to animal feeds.* These substances added to animal feeds as nutritional dietary supplements are generally recognized as safe when added at levels consistent with good feeding practice. Cobalt and copper compounds added to rations of certain species in excess of specified quantities are not generally recognized as safe. These conditions are described in the footnote to the following list:

Element	*Source compounds*
Cobalt [1]	Cobalt acetate.
	Cobalt carbonate.
	Cobalt chloride.
	Cobalt oxide.
	Cobalt sulfate.
Copper [1]	Copper carbonate.
	Copper chloride.
	Copper gluconate.
	Copper hydroxide.
	Copper oxide.
	Copper sulfate
Iodine	Calcium iodate.
	Calcium iodobehenate.
	Cuprous iodide.
	Diiodosalicylic acid.
	Ethylene diamine dihydriodide.
	Potassium iodate.
	Potassium iodide.
	Sodium iodide.
	Thymol iodide.
Iron	Ferric ammonium citrate.
	Ferric chloride.
	Ferric oxide.
	Ferric phosphate.
	Ferric pyrophosphate.
	Ferrous carbonate.
	Ferrous gluconate.
	Ferrous sulfate.
	Reduced iron.
Manganese	Manganese acetate.
	Manganese carbonate.
	Manganese chloride.
	Manganese dioxide.
	Manganese gluconate.
	Manganese oxide.
	Manganese sulfate.
	Manganese phosphate (dibasic).
Zinc	Zinc acetate.
	Zinc carbonate.
	Zinc chloride.
	Zinc oxide.
	Zinc sulfate.

[1] Exceptions to general recognition of safety:

Cobalt added to the rations of non-ruminant species in excess of 0.0001 percent of the total daily feed intake of the animal.

Copper added to the rations of sheep in excess of 0.0010 percent of the total daily feed intake of the animal.

All interested persons are invited to present their views in writing with ref-

erence to this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER. Comments may be accompanied by a memorandum or brief in support thereof, and it is requested that all comments be submitted in quintuplicate.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 409, 72 Stat. 1785 et seq; 21 U.S.C. 371)

Dated: July 5, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-6375; Filed, July 8, 1960; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 75; Amdt. 1]

REGIONAL APPELLATE DIVISION

Authority in Offers in Compromise

JUNE 1, 1960.

Paragraph numbered 2 of Delegation Order No. 75, dated February 18, 1960, published at 25 F.R. 3766, is amended by striking out "$5,000" and inserting in lieu thereof "$25,000."

Effective date: July 1, 1960.

[SEAL] DANA LATHAM,
Commissioner.

[F.R. Doc. 60-6392; Filed, July 8, 1960; 8:51 a.m.]

[Order No. 6 (Revised)]

AUTHORITY TO GRANT AUTHORIZATIONS OF AGENTS

Revocation of Delegation Order

JUNE 23, 1960.

Delegation Order No. 6 (Revised), dated August 22, 1957, delegated to District Directors of Internal Revenue authority to grant authorizations of agents to perform all acts required of employers under chapters 21, 22, 24, and 25, subtitle C of the Internal Revenue Code of 1954. This authority is now contained in section 31.3504-1(a) of the Employment Tax Regulations (26 CFR 31.3504-1(a); T.D. 6354, C.B. 1959-1, 263).

Accordingly, Delegation Order No. 6 (Revised), dated August 22, 1957, published at 22 F.R. 7082, is hereby revoked.

Effective date: June 23, 1960.

[SEAL] CHARLES I. FOX,
Acting Commissioner.

[F.R. Doc. 60-6393; Filed, July 8, 1960; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CLARENCE W. MAYOTT

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 during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 14, 1960.

Dated: June 14, 1960.

CLARENCE W. MAYOTT.

[F.R. Doc. 60-6361; Filed, July 8, 1960; 8:47 a.m.]

LILBERT A. MOLLMAN

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 during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 27, 1960.

Dated: June 27, 1960.

L. A. MOLLMAN.

[F.R. Doc. 60-6362; Filed, July 8, 1960; 8:47 a.m.]

SAMUEL RIGGS SHEPPERD

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 during the past six months:

(1) None.
(2) Kawecki Chemical Corporation; Polaroid Corporation.
(3) None.
(4) None.

This statement is made as of June 15, 1960.

Dated: June 1, 1960.

RIGGS SHEPPERD.

[F.R. Doc. 60-6363; Filed, July 8, 1960; 8:47 a.m.]

HUBERT O. SPRINKLE

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 during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 13, 1960.

Dated: June 13, 1960.

HUBERT O. SPRINKLE.

[F.R. Doc. 60-6364; Filed, July 8, 1960; 8:47 a.m.]

ALEXANDER H. WADE, JR.

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 during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 14, 1960.

Dated: June 14, 1960.

A. H. WADE, Jr.

[F.R. Doc. 60-6365; Filed, July 8, 1960; 8:47 a.m.]

FRED H. WILEY

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 during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 13, 1960.

Dated: June 13, 1960.

FRED H. WILEY.

[F.R. Doc. 60-6366; Filed, July 8, 1960; 8:47 a.m.]

WILLIAM W. WILLIAMS

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 during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 14, 1960.

Dated: June 14, 1960.

W. W. WILLIAMS.

[F.R. Doc. 60-6367; Filed, July 8, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MINNESOTA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Minnesota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Big Stone.
Chippewa.
Swift.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of July 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-6360; Filed, July 8, 1960; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

EAST COAST COLOMBIA CONFERENCE ET AL.

Notice of Agreements Filed With the Board for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 7590-9, between the member lines of the East Coast Colombia Conference, modifies the basic agreement of that conference (No. 7590, as amended), which covers the trade between U.S. Atlantic and Gulf ports and the ports of Barranquilla, Cartagena, Puerto Colombia and Santa Marta, Colombia, S. A. The purpose of the modification is to provide that the $2,500 admission fee required of new members may be waived by unanimous vote of the existing member lines.

(2) Agreement No. 7680-10, between the member lines of the American West African Freight Conference, modifies the basic agreement of that conference (No. 7680, as amended), which covers the trade, both eastbound and westbound, between Atlantic and St. Lawrence ports of Canada/United States Atlantic and Gulf ports and West African ports south of the southerly border of Rio de Oro, Spanish Sahara, and the northerly border of Southwest Africa, including the Atlantic Islands of the Azores, Madeira, Canary and Cape Verdes, also the Islands of Fernando Po, Principe, and San Thome in the Gulf of Guinea. The purpose of the modification is to provide that the member lines shall select a permanent chairman and secretary and designate their duties. The agreement presently provides for the election of the chairman from amongst the member lines, who nominates a secretary.

(3) Agreement No. 8458, between American Export Lines, Inc., Farrell Lines, Incorporated, Isbrandtsen Company, Inc., et al., provides for the establishment of rates and conditions of carriage on cargo for the Spanish Government in the trade from U.S. Atlantic and Gulf ports to Spanish ports.

(4) Agreement No. 8493, between American Mail Line, Ltd., American President Lines, Ltd., States Marine Lines, Inc., States Steamship Company, Isthmian Line, Inc., Pacific Far East Line, Inc., United States Lines Company and Waterman Steamship Corporation, provides that the parties may met, discuss and agree upon rates, terms and conditions under which cargoes, including Military Houshold Goods and personal effects, originating with the U.S. Department of Defense and moving under Department of Defense through Government Bills of Lading executed by Truck Lines, Household Goods Movers, Railroads and/or Regulated or Non-Regulated Freight Forwarders operating under Rate and Service Tenders approved by the U.S. Department of Defense shall be carried by the parties hereto between U.S. Pacific Coast Ports (including Hawaii) and ports in the Far East (including Guam, Midway, Wake Island and other mid-Pacific Island ports under Trust Territory or in U.S. Territories or possessions) and/or between ports in the Far East.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 6, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6381; Filed, July 8, 1960; 8:49 a.m.]

[Docket No. 869]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII; GENERAL INCREASES IN RATES

Notice of Supplemental Order

Notice is hereby given that the Federal Maritime Board has entered, on June 27, 1960, the following Thirty-Fifth Supplemental Order to the original order in this proceeding, dated September 10, 1959, which appeared in the FEDERAL REGISTER of September 23, 1959 (24 F.R. 7656):

Thirty-fifth supplemental order. It appearing that by the original order (as amended) in Docket 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules between Pacific Coast ports and Hawaii as well as between Atlantic and Gulf ports and Hawaii; and

It further appearing that said original order, as amended January 7, 1960, provides in part that no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on June 15, 1960, Matson Navigation Company filed Special Permission Application No. 61 seeking authority to publish, post and file on less than 30 days' notice, to become effective June 30, 1960, certain consecutively numbered revised pages to Westbound Container Freight Tariff No. 14, F.M.B.-F. No. 109, which tariff is now scheduled to become effective on June 30, 1960, in order to make the following changes thereto:

I. Amend Special Rule No. 101 (Application of Optional Rates) to read as follows:

1. Except as otherwise provided herein, when the charge on a shipment moving under port area pick-up service under class rates, named in Part B of this section, may be reduced by assessing a charge of 60 cents per cubic foot plus the applicable rate named in paragraph 3 of this rule, this latter charge shall apply in lieu of charge under class rates.

(A) The aforementioned provisions shall not apply on goods of a density greater than 50 lbs. per cubic foot.

(B) When shipper exercises the aforementioned option, dock receipt must show the cubic measurement of the shipment as well as the gross weight, otherwise normal class rates as named in Part B shall apply.

2. Where density of goods exceeds 50 lbs. per cubic foot and the charge on a shipment moving under port area pick-up service under class rates, named in Part B of this section, may be reduced by assessing a charge of $1.20 per 100 lbs. plus the applicable rate named in paragraph 3 of this rule, the latter charges shall apply in lieu of charge under class rates.

3. Rates in cents per 100 lbs. to be added to the charge under the optional rate named in paragraph 1 or 2 of this

rule. (Table of rates as now shown in paragraph (C) of Special Rule No. 101 will remain the same.)

4. When a shipment is tendered by shipper at carriers container freight station under provisions of rule 23 (no pick-up service within port area limits) or at container yard under provisions of rule 42 (traffic originating beyond port area limits) under class rates named in Part B of this section and the charge on a shipment may be reduced by assessing a charge of 65 cents per cubic foot or $1.30 per 100 lbs. whichever yields the greater revenue, this latter charge shall apply in lieu of the charge of class rates. Allowances as named in rule No. 23 and No. 42 shall not apply.

II. Establish a new Special Rule No. 206 (Application of Optional Rates to read as follows):

1. Except as otherwise provided herein, when the charge on a shipment moving under port area pick-up service under commodity rates, named in this section, may be reduced by assessing a charge of 60 cents per cubic foot plus the applicable rate named in paragraph 3 of this rule, the latter charge shall apply in lieu of commodity rates.

(A) The aforementioned provisions shall not apply on goods of a density greater than 50 lbs. per cubic foot.

(B) When shipper exercises the aforementioned option, dock receipt must show the cubic measurement of the shipment as well as the gross weight, otherwise normal commodity rates as named in Part B shall apply.

2. Where density of goods exceeds 50 lbs. per cubic foot and the charge on a shipment moving under port area pick-up service under commodity rates, named in this section, may be reduced by assessing a charge of $1.20 per 100 lbs. plus the applicable rate named in paragraph 3 of this rule, the latter charge shall apply in lieu of commodity rates.

3. Rates in cents per 100 lbs. to be added to the charge under the optional rate named in paragraph 1 or 2 of this rule. (Table of rates now shown in paragraph (C) of Special Rule No. 101 to be inserted here.)

4. When a shipment is tendered by shipper at carriers container freight station under provisions of rule 23 (no pick-up service within port area limits) or at container yard under provisions of rule 42 (traffic originating beyond port area limits) under commodity rates named in this section and the charge on a shipment may be reduced by assessing a charge of 65 cents per cubic foot or $1.30 per 100 lbs. whichever yields the greater revenue, this latter charge shall apply in lieu of the charge of commodity rates. Allowances as named in rule No. 23 and rule No. 42 shall not apply.

It further appearing that the Board having found good cause therefor has on June 27, 1960, granted special permission to publish such changes on not less than one day's notice, under Special Permission No. 3852;

It is ordered, That the original order herein is modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3852; and

It is further ordered, That copies of this Order shall be filed with said tariff schedules in the Office of Regulations of the Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein, and upon all protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: July 6, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6382; Filed, July 8, 1960; 8:50 a.m.]

[Docket No. 908]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE; FIDELITY COMMISSION SYSTEM

Notice of Investigation, Hearing, and Prehearing Conference

On June 20, 1960, the Federal Maritime Board entered the following order:

It appearing that pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814) a modification of an agreement has been filed for approval, between the member lines of the Japan-Atlantic and Gulf Freight Conference, providing for the establishment of a Fidelity Commission System, Agreement No. 3103-15; and

It further appearing that a notice of the filing of said modification was published in the FEDERAL REGISTER on April 30, 1960 (25 F.R. 3828) and that pursuant to said notice the Isbrandtsen Company, Inc., filed, May 20, 1960, a protest against approval of said modification, alleging (1) that the Board has no statutory authority to approve any dual-rate arrangement not in use on May 19, 1958, (2) that the Fidelity Commission System would contravene decisions of the Board and its predecessors, and (3) that the said System would involve a deferred rebate in violation of section 14 First; and requested if the Board considers that there is any real controversy or uncertainty on the points raised by Isbrandtsen that a declaratory order be issued, under section 5 of the Administrative Procedure Act, stating the legal authority or lack thereof of the Board to consider the approval or disapproval of the present conference filing, under existing law, and

It further appearing that Mr. Hyman I. Malatsky (Himala International) points out that the expression "Fidelity Commission" is a semantic differentiation of "Deferred Rebate" which is prohibited by the Shipping Act, 1916, and

It further apearing that the protests of Imported Hardwood Plywood Association, Inc., and Del Valle, Kahman & Co., point out that practically all Japanese plywood is sold f.o.b., Japan that the freight charges are paid by the U.S. importers, who, accordingly should get the refund,

Now therefore pursuant to sections 14, 15, 16, 17 and 22 of the Shipping Act, 1916, as amended, and in accordance with the Administrative Procedure Act,

It is ordered, That the Board, upon its own motion, enter upon an investigation and hearing to determine whether it should under existing law approve Agreement No. 3103-15, between the member lines of the Japan-Atlantic and Gulf Freight Conference, and

It is further ordered, That each member of said conference be made a respondent in this proceeding, and

It is further ordered, That a copy of this order be served upon each of the respondents, and that notice of such order and hearing herein be published in the FEDERAL REGISTER.

Notice is hereby given that, in accordance with Rule 6(d) of the Board's rules of practice and procedure (46 CFR § 201.94), a pre-hearing conference in this proceeding will be held before an examiner of the Board's Office of Hearing Examiners, on July 19, 1960, at 10 a.m., in Room 4519, New General Accounting Office Building, 441 G Street NW., Washington, D.C. Thereafter a public hearing will be scheduled at a date and place to be announced. Said hearing will be conducted in accordance with the above rules, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary, Federal Maritime Board, promptly and file petitions for leave to intervene in accordance with Rule 5(n), 46 CFR § 201.74, of the above rules.

Dated: July 6, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6383; Filed, July 8, 1960; 8:50 a.m.]

COMMON CARRIERS BY WATER

Contracts, Agreements and Understandings; Amendment

Whereas, by order dated April 11, 1960, the Federal Maritime Board directed that every common carrier by water subject to the Shipping Act, 1916, file with it on or before July 15, 1960, certain contracts, agreements and understandings involving the water-borne commerce of the United States; and

Whereas, many common carriers have advised that due to their widespread and far-flung operations involving relationships in innumerable foreign and domestic ports necessitating extensive correspondence with their offices or agents in said foreign and domestic ports in order to resolve questions for, and to advise and assist, such offices or agents and have advised that in many instances it will be impossible to comply with the Board's requirement concerning the assembling, preparation and filing of material pertaining to their contracts, agreements or understandings with stevedores by the presently required date of July 15, 1960;