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PART 201—STABILIZATION OF WAGES AND SALARIES

Retroactive Increases

Corrections

In F.R. Doc. 72-11174, appearing at page 14274 of the issue of Tuesday, July 18, 1972, the following changes should be made:

1. In the seventh line from the bottom of § 201.11(a)(6) now reading "Board reviews new contracts and pay", should read "during the preceding 3 years, the Pay".

2. In the fourth line from the bottom of § 201.18(d)(4) the phrase "and wage", should read "wage and".

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—Regulations Governing Inspection and Certification

BASIS FOR CHARGES

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products.[1] Such inspection and certification is voluntary and is made available upon request of financially interested parties and upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover to the cost of rendering the service.

Statement of consideration leading to amendment of regulations. The rising costs of maintaining the inspection service has made it necessary to increase inspection fees. Most of these increased costs are due to adjustments in the salaries of employees as authorized by the Congress.

The regulations were last revised to reflect increased fees on June 29, 1970. Since that time there have been two salary increases with no increase in fees for certain types of inspection services. Contracts with processors, in which one or more inspectors are assigned to a plant, have already been amended to recover increased costs. However, charges based on the hourly rate as well as fees based on the unit rate or lot size have not been adjusted since June 1970.

Accordingly, §52.42(a)—inspection fees for services based on hourly rate—is being revised to recover increased costs for such services as sampling, checkloading, condition of container examination, and other nongrading services. In addition, since grading and analytical laboratory services are also related to the time required to examine the sample rather than lot size, §§ 52.42(b), 52.42(c), and 52.42(d) are deleted in their entirety and such services will be at the hourly rate. Section 52.47(a) and (c) are being combined and retained at a revised rate and will cover charges for those analyses not required in the application of the grade standards but which are made at the specific request of the applicant, or which are performed in connection with a specification which includes these additional tests. Sections 52.47(b) and 52.48 are deleted as other changes make them unnecessary. Sections 52.49 and 52.50 are revised to reflect comparable increases in charges for copies of scoresheets and additional copies of certificates.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), the following sections dealing with *Fees and charges* of the subpart are hereby amended to read as follows:

§ 52.42 Schedule of fees.

Unless otherwise provided in a written agreement between the applicant and the Administrator, the fee for any inspection service performed under the regulations in this part, except as specified in § 52.47, shall be at the rate of $11.20 per hour.

§ 52.47 Charges for micro, chemical and certain other special analyses.

The applicable charges listed in this section shall be made for micro, chemical, and certain other special analyses when any of these analyses are made at the request of the applicant or because of additional specification requirements and are not performed in connection with the normal inspection to determine the quality or condition of the product.

Type of analysis	For first analysis	For each additional analysis
Aflatoxin (thin layer, chromatography method)	$15.00	$15.00
Alcohol insoluble solids	11.20	5.60
Alcohol (distillation and specific gravity)	22.40	16.80
Ascorbic acid (vitamin C)	11.20	2.80
Ash, acid insoluble	16.80	11.20
Ash, total (carbonated or sulfated)	11.20	5.60
Ash, water soluble or water insoluble	16.80	11.20
Ash, NaCl Free (approximate method—total ash less NaCl)	16.80	11.20
Ash, NaCl Free (P_2O_5X2)	28.00	16.80
Brix reading (double dilution)	11.20	11.20
Brix reading (refractometric or spindle)	5.60	5.60
Catalase test	5.60	5.60
Color determination of extracted honey	5.60	5.60
Color determination of sugarcane molasses or sugarcane sirup	5.60	5.60
Diastase test for honey (AOAC method)	22.40	11.20
Ether extract (crude fat)	16.80	11.20
Fat (acid hydrolysis)	16.80	11.20
Fiber test (green and wax beans)	11.20	5.60
Fly egg and maggot count	5.60	2.80
Free fatty acids	5.60	5.60
Iodine number	16.80	11.20
Moisture (drying method)	5.60	5.60
Mold count:		
Direct smear	5.60	5.60
Centrifuge or dilution	8.40	7.00
Pulping	11.20	8.40
Nitrogen or crude protein	16.80	11.20
Nonvolatile ether extract	16.80	11.20
Oil volatile	11.20	11.20
Phosphorous pentoxide (P_2O_5)	28.00	16.80
Potash (K_2O)	28.00	16.80
Peroxidase test (frozen vegetables)	5.60	5.60
Recoverable oil (citrus juices)	11.20	5.60
Reducing sugars	22.40	11.20
Salt (NaCl—direct titration)	5.60	5.60
Soluble solids (refractometric method)	5.60	5.60
Sucrose (chemical methods)	28.00	16.80
Sucrose (direct polarization)	11.20	5.60
Starch or carbohydrates (direct hydrolysis)	28.00	16.80
Sulphur dioxide (direct titration)	11.20	5.60
Sulphur dioxide (distillation method)	16.80	11.20
Sodium	16.80	11.20
Total acidity (direct titration)	5.60	5.60
Total solids (drying method)	5.60	5.60
Tough string test (green and wax beans)	5.60	5.60
Vanillin (colorimetric)	11.20	5.60
Volatile and nonvolatile ether extract	16.80	11.20
Water-insluble-inorganic-residue	11.20	5.60
Water insoluble solids	16.80	11.20
Worm larvae and insect fragment count	11.20	8.40

§ 52.48 [Deleted]

§ 52.49 Charges for copies of scoresheets.

If the applicant for inspection service requests one or more copies of a scoresheet referable to the processed product covered thereby, he may obtain such copies from the inspector in charge of the office of inspection serving the area where the service was performed at a charge of $5.60 per copy: *Provided,* That no charge shall be made for one copy if requested in conjunction with the request for inspection.

§ 52.50 Charges for additional copies of inspection certificates.

Charges for additional copies of inspection certificates issued in accordance

[1] Among such other processed food products are the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), except from grain; tea; cocoa; coffee; spices; condiments.

with § 52.21 may be supplied to any interested party at a charge for such copies at the rate of $5.60 for each seven (7), or fewer, copies.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this action later than July 23, 1972 (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered, (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments, and (3) additional time is not required by users of the inspection service to comply with this amendment.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended, 7 U.S.C. 1622, 1624)

Dated to become effective at 12:01 a.m., July 23, 1972.

Dated: July 18, 1972.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.72-11300 Filed 7-21-72;8:45 am]

Chapter II—Food and Nutrition Service, Department of Agriculture

[Amdt. 5]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Miscellaneous Amendments

Regulations for the operation of the Special Milk Program for Children (7 CFR Part 215, as amended) are hereby further amended for the purposes of updating the references therein.

1. References to the Consumer and Marketing Service (C&MS), to the Consumer Food Programs District Offices (CFPDO), and to the School Lunch Division (SLD), are hereby deleted and references to the Food and Nutrition Service (FNS), the Food and Nutrition Service Regional Offices (FNSRO) and the Child Nutrition Division (CND), respectively, are hereby substituted therefor.

2. Section 215.2(o) is revised by changing reference therein from "30 cents" to "40 cents".

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (7-22-72).

Approved: July 17, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-11376 Filed 7-21-72;8:49 am]

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

[Valencia Orange Reg. 400, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), 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 recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 908.700 (Valencia Regulation 400, 37 F.R. 13698) during the period July 14, through July 20, 1972, are hereby amended to read as follows:

§ 908.700 Valencia Orange Regulation 400.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 285,000 cartons;

(ii) District 2: 345,000 cartons;

(iii) District 3: 120,000 cartons.

* * * * *

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

Dated: July 19, 1972.

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

[FR Doc.72-11378 Filed 7-21-72;8:50 am]

[Lemon Reg. 543]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.843 Lemon Regulation 543.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 18, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 23, 1972, through July 29, 1972, is hereby fixed at 275,000 cartons.

(2) As used in this section, "handled," and "carton(s)" 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 19, 1972.

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

[FR Doc.72–11433 Filed 7–21–72;8:50 am]

[Lime Reg. 7]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

§ 911.407 Lime Regulation 7.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 F.R. 10497), regulating the handling of limes grown in Florida, 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 Florida Lime 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 limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the regulation stems from the current supply and market situation. There currently is available a much greater supply of limes than can be marketed at a fair return to growers. The current crop of limes is estimated to be the largest crop of record and 14 percent above last season's record crop. Warmer weather and improved weather conditions in most major markets have resulted in an increase in demand for limes in such markets. With the increase in demand and controlled market supply, prices have increased and are now firmer but further price increases are not anticipated. The committee reports that because of the large supply available in the production area, excessive shipments would likely be made next week in the absence of volume regulation. It estimates that 23,231 bushels were shipped last week and that 13,832 bushels were shipped during the preceding week. Shipments of limes during the current week, as amended, are limited to 22,500 bushels. Limitation of volume to such levels has resulted in a more stable and orderly market situation. Thus, continued volume regulation is needed to promote orderly marketing by limiting shipments as hereinafter specified during the week of July 23, through July 29, 1972.

(3) 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. 553) 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 Florida limes, 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 limes; 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 19, 1972.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 23, 1972, through July 29, 1972, is hereby fixed at 20,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

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

Dated: July 20, 1972.

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

[FR Doc.72–11492 Filed 7–21–72;8:51 am]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On July 6, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 13269) regarding proposed expenses and the related rate of assessment for the period April 1, 1972, through March 31, 1973, pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded 10 days for interested persons to submit written data, views, or arguments in connection with said proposals. None were received. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Apricot Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 922.212 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washingon Apricot Marketing Committee during the period April 1, 1972, through March 31, 1973, will amount to $2,295.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 922.41, is fixed at $1 per ton of apricots.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of apricots grown in designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable apricots handled during the aforesaid period; and (3) such period began on April 1, 1972, and said rate of assessment will automatically apply to all such apricots beginning with such date.

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

Dated: July 18, 1972.

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

[FR Doc.72–11346 Filed 7–21–72;8:47 am]

[Papaya Reg. 2, Amdt. 2]

PART 928—PAPAYAS GROWN IN HAWAII

Limitation of Shipments

Notice was published in the FEDERAL REGISTER issue of July 8, 1972 (37 F.R. 13480), that the Department was giving consideration to a proposed amendment of the limitation on the handling of shipments of Hawaiian papayas to destinations within the production area, pursuant to the applicable provisions of the marketing agreement and Order No. 928 which regulate the handling of papayas grown in Hawaii. This regulatory program is effective under the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Interested persons were afforded opportunity to file written data, views, or arguments thereon. None were filed.

The proposal was recommended by the Papaya Administrative Committee, established pursuant to said marketing agreement and order. Such recommendation by the committee reflects certain marketing problems which have their genesis in the seasonally larger size of the papayas now being marketed in Hawaii. Problems in the form of misleading consumer advertising, unfair competition, and disruptive market pricing occur because Hawaiian papayas meeting the quality requirements of Hawaii No. 1 grade but larger than 32 ounces each; i.e., Extra Large size, are commonly advertised and marketed simply as Hawaiian No. 1 grade with no designation of size. The inclusion, as hereinafter set forth, of the same restriction as to the maximum individual weight of Hawaii Fancy grade papayas will preclude the development of a similar advertising and marketing situation involving such papayas. Extra Large size papayas are much less desirable to consumers as shown by the fact that advertised prices for Hawaii No. 1 grade papayas of that size are usually below the price levels for Hawaii No. 2 grade papayas. Thus, the requirements of this amendment should clarify the market situation by assuring all members of the trade and public that papayas advertised and sold in Hawaii as Hawaii No. 1 or Fancy Grade will be no larger than Large size (32 ounces). It should also remove the present price-depressing effect that Hawaii No. 1 grade papayas larger than 32 ounces have upon the prices of papayas of such grade in the 14- to 32-ounce size range since no size differentiation is commonly specified by the trade. Under the amendment, papayas meeting the requirements of Hawaii No. 1 grade other than for maximum size may be shipped to export market outlets if they are of pyriform shape or they may be handled as Hawaii No. 2 grade within the production area. Handlers may continue to ship Hawaii No. 2 grade papayas to Hawaiian destinations if such papayas weigh not less than 14 ounces each.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Papaya Administrative Committee, and upon other available information, it is hereby found that the limitation of handling of Hawaiian papayas, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of Hawaiian papayas to destinations within the production area are now being made, (2) notice of proposed rule making concerning this amendment, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (37 F.R. 13480) and no objection to this amendment or such effective date was received, and (3) compliance with the provisions of this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. Paragraph (a)(1) of § 928.302 (Papaya Regulation 2; 36 F.R. 23994, 37 F.R. 9557) is hereby amended to read as follows:

§ 928.302 Papaya Regulation 2.

(a) Order: * * *

(1) To any destination within the production area unless such papayas grade at least Hawaii No. 2 and are of a size which individually weigh not less than 14 ounces: *Provided,* That said papayas handled (i) as Hawaii No. 1 grade shall be of a size which individually weigh not less than 14 ounces or more than 32 ounces, or (ii) as Hawaii Fancy grade shall be of a size which individually weigh not less than 16 ounces or more than 32 ounces.

* * * * *

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

Dated July 19, 1972, to become effective July 24, 1972.

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

[FR Doc.72-11377 Filed 7-21-72;8:49 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[AL-98(440)]

PART 1890a—LOANS TO POULTRYMEN

Supplementary Income

On pages 10449 and 10450 of the FEDERAL REGISTER of May 23, 1972, there was published a notice of proposed rule making to amend Part 1890a, "Loans to Poultrymen," Title 7, Code of Federal Regulations. This amendment increases the maximum size of a poultry operation which FHA may finance as a source of supplementary income for certain farm operations.

Interested persons were given 30 days in which to submit written comments, suggestions, or objectives regarding the proposed regulations. No objections were received within the 30-day period and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective as of publication in the FEDERAL REGISTER (7–22–72).

Dated: July 14, 1972.

J. R. HANSON,
Acting Administrator, Farmers Home Administration.

Sec.
1890a.1 Purpose.
1890a.2 General.
1890a.3 Policy—loan making.

AUTHORITY: The provisions of this Part 1890a issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec 301, 80 Stat. 379, 5 U.S.C. 301; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529; Order of Director, OEO, 29 F.R. 14764.

§ 1890a.1 Purpose.

This part supplements Subparts A and B of Part 1821, Subparts A, B, and C of Part 1822, Subpart A of Part 1831, and Subpart A of Part 1832, all of this chapter. This part prescribes the policies not otherwise provided for in loan making regulations which are to be observed in making Farmers Home Administration (FHA) loans to individuals in connection with the establishment or expansion of poultry enterprises.

§ 1890a.2 General.

The production of poultry and poultry products in the United States has expanded greatly over a period of years. During this period, production has periodically exceeded consumer demand resulting in frequent depressed prices and major financial difficulties for producers. The production of poultry and poultry products has become more stabilized in recent years but these industries are intensely competitive. Because of these trends the FHA has not, for a number of years, made loans to establish individuals in large scale commercial poultry enterprises.

§ 1890a.3 Policy—loan making.

The following policies will continue to be observed in considering applications for FHA loans for poultry production:

(a) FHA loans may be made to established farm operators who are engaged in a significant poultry enterprise to finance their normal level of operations or to make reasonable adjustments as necessary for a sound operation, provided they will be conducting not larger than an adequate family farming operation after the loan is made.

(b) FHA loans may be made to other farm operators to establish, maintain, or expand a small poultry enterprise needed to supplement their income provided such a loan is needed to provide the family sufficient income for a reasonable standard of living; the poultry enterprise, if under contract, will not exceed the minimum size of operation prevailing in the area needed to qualify for a contract; and the total farming operation will not exceed an adequate family farming operation. When contract production is not customary in the area for the type of poultry enterprise involved, the size of the enterprise will be limited to one that will not require more labor than the minimum size operation for which contracts are generally available in the State. For example, in areas where a 20,000 capacity broiler operation is the minimum size for which producers can

obtain contracts, the labor required for such an operation is the standard which will apply to other types of poultry enterprises. Additional loans will not be made to such producers to expand the poultry enterprise above this limit unless an increase in size of poultry operation is necessary to continue to provide the family with a reasonable standard of living, the applicant has been successful with his poultry operation for several years and the prospects are that he will continue to be successful in the future.

(c) Rural Housing Disaster and Emergency (EM) loans may be made to operators of larger than family farms to finance the reestablishment of their normal level of poultry operations if they are otherwise eligible for such loans. Soil and Water loans also may be made to such farmers.

(d) Farm Ownership loans may be made to buy a poultry farm or a poultry farm acquired by FHA may be sold to an eligible applicant on a credit sale. FHA loans, other than EM loans, may be made in such a case to repair or update facilities that exist on the farm at the time of purchase or when appropriate to expand the operation within the limits specified in paragraph (b) of this section.

(e) FHA loans will not be made to establish new operators in large scale commercial poultry enterprises for the production of meat, birds or eggs.

(f) The above policies do not prohibit making FHA loans to poultry producers for purposes other than the production of poultry.

[FR Doc.72-11344 Filed 7-21-72;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-23-AD, Amdt. 39-1489]

PART 39—AIRWORTHINESS DIRECTIVES

Lear Jet Models 24 and 25 Airplanes

An airworthiness directive was adopted on July 11, 1972, and made effective immediately by personal service to all known owners of Lear Jet Models 24 and 25 airplanes by letter or telegram. This AD was issued because recent investigations have established that the bolts which attach the spoiler actuators to the wing may be excessively worn. Failures of these bolts during flight can result in jeopardizing control of the aircraft which can be critical in landing configurations. In order to prevent this condition the directive requires the replacement of the spoiler actuator pivot bolts, nuts, and cotter pins in accordance with Lear Jet Service Bulletin SB No. 24/25-237 dated July 7, 1972, at each 500 hours' time in service.

Since it was found that immediate corrective action was required, notice and public procedure hereon are impracticable and contrary to the public interest and good cause exists for making this AD effective immediately to the owners of Lear Jet Models 24 and 25 airplanes if for any reason personal service was not accomplished on or about July 11, 1972. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective immediately as to all persons.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

LEAR JET. Applies to Model 24 (Serials Nos. 24-178 and subsequent) and Model 25 (Serials Nos. 25-020 and subsequent) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of spoiler actuator attachment bolts, accomplish the following:

(A) On aircraft with 500 or more hours' time in service, within 25 hours' time in service after the effectiveness of this AD, replace the spoiler actuator pivot bolts (P/N NAS 464P4-32), nuts (P/N AN320-4), and cotter pins (P/N MS24665-7), in accordance with procedures in Gates Lear Jet Service Bulletin SB No. 24/25-237 dated July 7, 1972.

(B) On aircraft with less than 500 hours' time in service upon the effectiveness of this AD, the spoiler actuator pivot bolts, nuts, and cotter pins identified in paragraph A must be replaced in accordance with the Gates Lear Jet Service Bulletin identified above, upon the accumulation of 500 hours' time in service. (If the aircraft has between 475 and 500 hours' time in service upon effectiveness of this AD you must replace the specified parts within the next 25 hours' time in service.)

(C) The spoiler actuator pivot bolts, nuts, and cotter pins identified in paragraph A of this AD must be replaced upon accumulation of each 500 hours' time in service thereafter.

This amendment becomes effective July 28, 1972, to all persons except those to whom it was made effective earlier by telegram or letter issued July 11, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 14, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-11333 Filed 7-21-72;8:46 am]

[Docket No. 72-CE-22-AD, Amdt. 39-1487]

PART 39—AIRWORTHINESS DIRECTIVES

Prestolite Belt Driven Alternator Cooling Fans

AD 72-1-5, Amendment 39-1370 (37 F.R. 12, 13) is an airworthiness directive (AD) applicable to Prestolite belt driven alternators installed on various makes and models of aircraft engines.

This AD requires repetitive inspections of the alternator cooling fan and the replacement of this fan where necessary. Despite inspections, failures have continued to occur. Subsequent to the issuance of AD 72-1-5, the manufacturer has developed an improved alternator cooling fan which should preclude in-service failures. Accordingly, in the interest of safety, a new AD is being issued, superseding AD 72-1-5, which will require replacement of existing fans with ones of the improved design.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impractical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

PRESTOLITE. Applies to Prestolite alternator cooling fans, P/N's PU1605 and PU1605A installed on Prestolite Models ALE 6406, ALE 6406R, ALE 8105A, ALE 8105S, ALE 8406, ALE 8406R, ALE 8408, ALE 8408R, ALH 5105, ALH 5105S, ALH 5106S, ALT 5101A, ALT 5101R, ALT 5102S, ALT 8403, ALT 8404, ALT 8404R, ALT 8404RS, ALT 8404LS, ALU 8403, ALU 8403R, ALU 8403RS, ALU 8403LS, ALX 6406, ALX 8403, ALX 8403R, ALX 8403RS, ALX 8403LS, ALY 6406, ALY 6406R, ALY 6407, ALY 6403, ALY 8402, ALY 8403, ALY 8403R, ALY 8403RS, ALY 8403LS, ALY 8405, ALY 8405R, ALY 8410, ALY 8410R, ALZ 8401, ALZ 8401R, alternators utilized in various makes and models of aircraft engines.

Compliance: Required as indicated, unless already accomplished.

To preclude in-service failures of alternator cooling fans accomplish the following:

Within 100 hours of the last inspection accomplished in accordance with AD 72-1-5, Amendment 39-1370 (37 F.R. 12, 13) but not later than January 1, 1973, replace PU1605 and PU1605A Prestolite alternator cooling fan as applicable with 90-2241 Prestolite alternator cooling fan (consisting of two plates P/N's PU604A and PU605A) in accordance with Prestolite Service Bulletin ASM8, dated May 30, 1972, or any alternate replacement approved by Chief, Engineering and Manufacturing Branch, Great Lakes Region.

NOTE: When replacing the pulley retaining nut do not use the cooling fan to prevent rotation of the alternator shaft. Use of the fan to prevent shaft rotation can result in bending and distortion of the fan that will require it to be replaced.

This AD supersedes AD 72-1-5.

This amendment becomes effective July 27, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 12, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-11334 Filed 7-21-72;8:46 am]

[Airspace Docket No. 71-GL-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area; Correction

In F.R. Doc. 72-3316, on page 4703 in the issue of Saturday, March 4, 1972, Line 8 of the Findlay, Ohio, control zone description should be corrected to read "5-mile-radius zone to 8½ miles south of the".

Issued in Des Plaines, Ill., on June 29, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-11336 Filed 7-21-72;8:46 am]

[Airspace Docket No. 72-SO-70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Sumter, S.C., control zone.

The Sumter control zone is described in § 71.171 (37 F.R. 2056 and 12221) and is presently effective from 0700 to 2300 hours, local time, daily. The effective time has been changed to "from 1200 to 0400 hours, G.m.t., daily." By converting G.m.t., the effective time is "from 0700 to 2300 hours, local time, daily, during e.s.t., and from 0800 to 2400 hours, local time, daily, during e.d.s.t." It is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Sumter, S.C., control zone (37 F.R. 12221) is amended as follows: "* * * daily * * *" is deleted and "* * * daily, during e.s.t., and from 0800 to 2400 hours, local time, daily, during e.d.s.t., * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655)

Issued in East Point, Ga., on July 13, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-11337 Filed 7-21-72;8:46 am]

[Airspace Docket No. 72-WA-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Reporting Points

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to redesignate the Albacore, Bonita, Brim, Catfish, Dolphin, and Ear Shell reporting points, which are based in part on the Galveston, Tex., nondirectional radio beacon.

On or about September 14, 1972, the Galveston HH-RBN (GLS) will be relocated from latitude 29°19'07" N., longitude 94°55'40" W. to latitude 29°20'01" N., longitude 94°45'20" W. This relocation requires alteration to reporting points, additional control areas, and oceanic routes which are based on the Galveston radio beacon. As a resultant action, the relocation requires slight alteration to Warning Area W-602 so as to provide sufficient lateral spacing between W-602 and an adjacent oceanic route. Some of these alterations will be accomplished by rule-making action and some by nonrule-making action.

As parts of these changes relate to the navigable airspace outside the United States, these amendments are submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Rule making actions to be effected are as follows:

1. The Albacore INT will be relocated to latitude 27°33' N., longitude 95°08' W. (INT 097° T. (088° M.) bearing Corpus Christi, TX, RBN and B-1 route). This action is taken herein.

2. The Ear Shell INT will be relocated to latitude 28°15' N., longitude 93°45' W. (INT 255° T. (249° M.) bearing Grand Isle, LA., RBN and A-6 route). This action is taken herein.

3. The Brim INT, Bonita INT, Catfish INT, and Dolphin INT are not being relocated, but require redescription to conform with the relocated Galveston RBN. These actions are taken therein.

4. Control 1226 is described in part by reference to the Galveston RBN, and its centerline will move to conform with the relocated Galveston RBN without a specific redescription. No action is required for this alteration.

5. Control 1215 is being altered to provide additional controlled airspace. This action was proposed in Airspace Docket No. 72-SW-14 which was published as a notice of proposed rule making on June 23, 1972 (37 F.R. 12400). An effective date of September 14, 1972, is planned for the alteration of Control 1215.

The alterations made herein to Part 71 of the Federal Aviation Regulations alter reporting points only, and no substantive change to the regulations is made. Therefore, these alterations are minor in nature and notice and public procedure thereon are unnecessary. However, in order to provide sufficient time for these alterations to be depicted on appropriate aeronautical charts, they will not become effective until September 14, 1972.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 14, 1972, as hereinafter set forth.

Section 71.209 (37 F.R. 2321) is amended as follows:

a. Albacore INT is amended to read: "Albacore INT: INT 191° bearing Galveston, TX., RBN, 097° bearing Corpus Christi, TX., RBN at latitude 27°33' N., longitude 95°08' W."

b. In Bonita INT delete "109° bearing" and substitute "110° bearing" therefor.

c. In Brim INT delete "107° bearing" and substitute "108° bearing" therefor.

d. In Catfish INT delete "106° bearing" and substitute "107° bearing" therefor.

e. In Dolphin INT delete "102° bearing" and substitute "103° bearing" therefor.

f. Ear Shell INT is amended to read: "Earl Shell INT: INT 140° bearing Galveston, TX., RBN, 255° bearing Grand Isle, LA., RBN, at latitude 28°15' N., longitude 93°45' W."

Nonrule making actions are taken as hereinafter set forth and are effective 0901 G.m.t., September 14, 1972.

1. Oceanic Route B-1 is realigned in part from the Clayton INT at latitude 25°38' N., longitude 95°31' W., to the Galveston, TX., RBN at latitude 29°20'01" N., longitude 94°45'20" W.

2. Oceanic Route A-6 is realigned in part from the Alard INT at latitude 23°44' N., longitude 89°49' W., to the Galveston, TX., RBN at latitude 29°20'01" N., longitude 94°45'20" W.

3. The Barton INT is relocated to latitude 27°02′ N., longitude 92°39′ W. (INT of A–4 Route and A–6 Route.)

4. The Collins INT is relocated to latitude 26°43′ N., longitude 92°23′ W. (INT of A–5 Route and A–6 Route.)

5. The Dragon LF INT is relocated to latitude 29°15′ N., longitude 92°28′ W. (INT of 203° T. (196° M.) bearing Lafayette, LA., RBN, and Control 1226 centerline.)

6. The lateral limits of Warning Area W–602 are redescribed as follows:

Beginning at latitude 28°10′00″ N., longitude 94°53′00″ W., to latitude 28°10′00″ N., longitude 94°14′00″ W., to latitude 27°22′00″ N., longitude 93°26′00″ W., to latitude 26°00′00″ N., longitude 95°05′00″ W., to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 17, 1972.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–11338 Filed 7–21–72;8:46 am]

[Airspace Docket No. 72–SO–28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On May 26, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 10673), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Valdosta, Ga. (Moody AFB), control zone and the Valdosta, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 14, 1972, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Valdosta, Ga. (Moody AFB), control zone is amended to read:

VALDOSTA, GA. (MOODY AFB)

Within a 5-mile radius of Moody AFB (lat. 30°58′01″ N., long. 83°11′27″ W.); within 1 mile each side of the ILS localizer N course, extending from the 5-mile-radius zone to 1 mile north of the OM; within 1.5 miles each side of the Moody 007° radial, extending from the 5-mile-radius zone to 5.5 miles north of the VOR; within 3 miles each side of the Moody VOR 173° radial, extending from the 5-mile-radius zone to 8.5 miles south of the VOR. This control zone is effective from 0700 to 2300 hours, local time, Monday through Thursday; from 0700 to 2130 hours, local time, Friday; from 1000 to 1800 hours, local time, Saturday, and from 1200 to 1800 hours, local time, Sunday; excluding Federal legal holidays.

In § 71.181 (37 F.R. 2143), the Valdosta, Ga., transition area is amended to read:

VALDOSTA, GA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Valdosta Municipal Airport (lat. 30°46′58″ N., long. 83°16′34″ W.); within an 8.5-mile radius of Moody AFB (lat. 30°58′01″ N., long. 83°11′27″ W.); within 3 miles each side of the ILS localizer N course and Moody VOR 007° radial, extending from the 8.5-mile-radius area to 8.5 miles north of the OM; within 5 miles each side of the Moody VOR 173° radial, extending from the 8.5-mile-radius area to 14 miles south of the VOR; within 3 miles each side of the Moody VOR 242° and 295° radials, extending from the 8.5-mile-radius area to 14 miles southwest and 17 miles northwest of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 11, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72–11339 Filed 7–21–72;8:46 am]

[Airspace Docket No. 71–WA–2D]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On March 4, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4298) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high routes as a part of the overall program to establish an area navigation route structure.

To date, 19 of the proposed high routes have been designated in four rules. Additional proposed routes, J832R, J842R, J843R, J844R, and J847R, have now been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

The USAF Strategic Air Command tentatively objected to the proposed routes due to possible derogation to their training program by conflicts between the proposed routes and certain military routes. The five routes proposed conflict with one or more published military VFR routes and four routes conflict with air refueling tracks; J842R, J843R, and J844R conflict with Oil Burner–11 route. The FAA regions involved have assured USAF that procedural separation shall be provided between military aircraft and civil aircraft at the various route conflict points.

In each of the five routes one or more reference facilities were changed. This was due to either relocating a waypoint or to improve signal coverage for a portion of a specific route. In J823R the "Papi, IL.," waypoint was moved 1.7 NM northward to coincide with "Papi" intersection on Victor 84 airway. In J842R and J843R small latitude/longitude changes were made to correct original computer data calculations; also, in J843R the fourth waypoint was deleted and three other waypoints were relocated accordingly without affecting route alignment. In J844R the second waypoint was moved 1.8 NM southward and the route was extended beyond Louisville, Ky., to Chicago, Ill. This action permits deletion of proposed J869R, Atlanta, Ga., to Chicago, Ill. The realignment change made in J823R is minor in nature; the route extension in J844R is a major change, but a more desirable route between Atlanta and Chicago is thus effected; no alignment changes were made in J842R, J843R, and J847R from that proposed in the notice.

The following routes are hereby deleted from the notice because other area high routes already designated or soon to be designated will serve the terminal involved: J828R, J829R, J831R, J840R, J841R, J845R, and J848R. Thus, deletion of these seven routes; designation of the five routes herein; previous designations of 19 routes combine to account for 31 routes. This completes action on Airspace Docket No. 71–WA–2.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 12, 1972, as hereinafter set forth.

In § 75.400 (37 F.R. 2400) the following area high routes are added:

Waypoint name	Location: N. latitude/W. longitude	Reference facility
J823R (Detroit, Mich., to Chicago, Ill.)		
Holt, Mich	42°28′00″/84°34′53″	South Bend, Ind.
Pullman, Mich	42°27′56″/86°06′21″	Do.
Papi, Ill	42°16′16″/87°36′28″	Do.
J842R (Dallas, Tex., to New York, N.Y.)		
Greater Southwest, Tex.	32°49′10″/97°02′28″	Greater Southwest, Tex.
Texarkana, Ark	33°30′50″/94°04′23″	Shreveport, La.
Memphis, Tenn	34°56′34″/89°57′35″	Walnut Ridge, Ark.
Watertown, Tenn.	36°13′46″/86°06′27″	Bowling Green, Ky.
Woodbine, Ky	36°50′56″/84°02′21″	Knoxville, Tenn.
Kimball, W. Va	37°24′00″/81°27′57″	Charleston, W. Va.
Gordonsville, Va	38°00′48″/78°09′12″	Richmond, Va.
Atlantic City, N.J.	39°27′21″/74°34′36″	Westminster, Md.
J848R (New York, N.Y., to Dallas, Tex.)		
Robbinsville, N.J.	40°12′08″/74°29′44″	Robbinsville, N.J.
Westminster, Md.	39°29′42″/76°58′44″	Gordonsville, Va.
Sanderson, W. Va.	38°24′04″/81°23′29″	Beckley, W. Va.
Shutout, Ky	37°14′52″/85°21′50″	Knoxville, Tenn.
Sadler, Ky	36°41′06″/87°06′56″	Evansville, Ind.
Birdeye, Ark	35°27′43″/90°35′28″	Walnut Ridge, Ark.
Horatio, Ark	33°58′47″/94°21′05″	Texarkana, Ark.
Greater Southwest, Tex.	32°49′10″/97°02′28″	Greater Southwest, Tex.

J44R (Atlanta, Ga., to Chicago, Ill.)

Canton, Ga	34°19'29"/84°25'39"	Chattanooga, Tenn.
Shutout, Ky	37°14'52"/85°21'50"	Knoxville, Tenn.
Borden, Ind	38°37'12"/86°02'11"	Evansville, Ind.
Foresman, Idn	40°51'20"/87°11'36"	Fort Wayne, Ind.
Chicago Heights, Ill.	41°30'36"/87°34'17"	Do.

J84TR (Chicago, Ill., to Omaha, Nebr.)

Morrison, Ill	41°55'53"/89°47'00"	Bradford, Ill.
Des Moines, Iowa.	41°26'15"/93°38'54"	Lamoni, Iowa
Neola, Iowa	41°28'23"/95°39'29"	Do.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C. on July 17, 1972.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-11340 Filed 7-21-72;8:46 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-748; Amdt. 13]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Maximum Weight Limitation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of July 1972.

Part 298 of the Board's Economic Regulations (14 CFR Part 298) provides for the classification and exemption of air taxi operators. At the present time, the exemption authority provided to air taxi operators by said part extends to the direct air transportation of passengers, property, and mail (subject to certain limitations) in aircraft having a maximum certificated takeoff weight of 12,500 pounds or less. The rules also permit air taxi operators to perform planeload charter flights (except in Alaska and Hawaii) with turbojet aircraft whose maximum takeoff weight and passenger capacity do not exceed 27,000 pounds and 12 persons, respectively. In the Part 298 Weight Limitation Investigation, Order 72-7-61, issued contemporaneously, the Board determined that the maximum weight limitation on equipment used by air taxi operators should be liberalized to permit air taxis to operate, in both scheduled and charter service, aircraft of larger capacity than is presently permitted except in Alaska and Hawaii.[1] Specifically, the Board determined that the maximum gross weight limitation of 12,500 pounds, as specified in Part 298, should be replaced with a passenger capacity limitation of 30 and payload carrying capacity weight limitation of 7,500 pounds. The amendments adopted herein reflect this determination.

In substance, the new rule will require air taxi aircraft to meet both the 30-seat and the 7,500-pound payload test; i.e., aircraft having a seating capacity of more than 30 passengers or a payload capacity in excess of 7,500 pounds will not qualify under the revised exemption. Consistent with the present scheme of Part 298, we have included the seat/payload capacity standard in the definition of "Large aircraft" which, as modified herein, shall mean aircraft having a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds (except in Alaska and Hawaii). In addition, we have (1) added a new definition of "Maximum payload capacity"; namely, the maximum weight of that portion of an aircraft's useful load which actually or potentially produces revenues and (2) redefined "Maximum passenger capacity" as the number of passenger seats for which an aircraft is configured, instead of the maximum passenger capacity listed in the applicable Federal Aviation Administration (FAA) type certificate data sheet, as presently provided.

There is presently included in § 298.21 a provision under which air taxi operators which engage in air transportation with turbojet aircraft whose maximum takeoff weight is over 12,500 pounds are required to file with the Board's Bureau of Accounts and Statistics quarterly reports showing certain operating statistics with respect to each charter flight performed with such aircraft during the period covered by the report. To assure compliance with the new seat/payload capacity standard for air taxi equipment, the Board has modified this provision to require said quarterly reports to be filed with respect to operations conducted with aircraft having a maximum passenger capacity of more than 20 seats or a maximum payload capacity of more than 5,000 pounds. Form 298-A (Registration under Part 298 of the Economic Regulations) has also been revised to require disclosure of the serial and model numbers of each aircraft operated by an air taxi which has a maximum payload or passenger capacity within the aforementioned limitations. In addition, every air taxi operator which acquires (for use in taxi operations) an aircraft within said seat/payload capacity limitations will be required to file with the Board within 30 days after each such aircraft acquisition an amended Form 298-A, reflecting the fact of such acquisition.

We have also deleted the provision in § 298.21(a) which allows air taxi operators to perform planeload charter operations (except in Alaska and Hawaii) with 27,000-pound/12-passenger turbojet aircraft, since the 30-seat/7,500-pound payload capacity limitation, to which the Part 298 exemption now extends will necessarily include operations with such turbojet equipment. With this revision, the definition of "Charter flight" in § 298.21(a) has been deleted as superfluous.

Since the amendents contained herein merely codify the changes to Part 298 made by the Board in the Weight Limitation case, supra, the Board finds that the amendments may be made effective without further notice and public procedure.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298) effective September 17, 1972, as follows:

1. Amend § 298.2 by inserting, in its alphabetical order, a new definition of "Maximum payload capacity," and by revising the definitions of "Large aircraft" and "Maximum passenger capacity," to read as follows:

§ 298.2 Definitions.

As used in this part:

* * * * *

"Large aircraft" means an aircraft having a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds; except that in connection with operations conducted within the State of Alaska or Hawaii, large aircraft shall mean an aircraft whose maximum certificated takeoff weight is more than 12,500 pounds.[2]

* * * * *

"Maximum passenger capacity" means the maximum number of passenger seats for which an aircraft is configured.

"Maximum payload capacity" means the maximum weight of that portion of an aircraft's useful load which, actually or potentially, produces revenues.

* * * * *

2. Amend paragraph (a)(1) of § 298.3 to read as follows:

§ 298.3 Classification.

(a) There is hereby established a classification of air carriers, designated "air taxi operators" which engage in the direct air transportation of passengers and/or property, and/or in the transportation within the 48 contiguous States, Alaska[3] or Hawaii of mail by aircraft and which:

[1] The Board found that the Part 298 exemption should not be liberalized with respect to intra-Hawaii operations, and deferred any decision with respect to intra-Alaska operations pending determination of the bush route issues in the Alaska Service Investigation, Docket 20826. Accordingly, the existing 12,500-pound maximum weight standard in Part 298 will continue to apply to aircraft employed by air taxis in operations conducted within the States of Alaska or Hawaii.

[2] See footnote (4) infra.

[3] The authority of air taxis to carry mail in Alaska is limited to the markets where regular service may be provided under this part.

(1) Do not, directly or indirectly, utilize large aircraft in air transportation;

* * * * *

3. Amend § 298.21 by revising paragraphs (a) and (i), the section as amended to read in pertinent part as follows:

§ 298.21 Scope of service authorized; geographical, equipment and mail service limitations, insurance and reporting requirements.

(a) *General scope.* Subject to the prohibitions of paragraph (b), (c), (d), (f), and (g) of this section, the exemption authority provided to air taxi operators by this part shall extend to the direct air transportation of persons, property and mail (subject to the limitations imposed in §§ 298.3(a) and 298.13) in aircraft having a maximum passenger capacity of 30 seats or less and a maximum payload capacity of 7,500 pounds or less: *Provided, however,* That, with respect to operations conducted within Alaska or Hawaii said exemption authority shall be limited to aircraft having a maximum takeoff weight of 12,500 pounds or less.[4]

* * * * *

(i) *Filing of reports.* Air taxi operators which engage in air transportation with aircraft having a maximum passenger capacity of more than 20 seats or a maximum payload capacity of more than 5,000 pounds shall file with the Board's Bureau of Accounts and Statistics, not later than 15 days after the end of each calendar quarter, a report setting forth the points between which each flight performed with such aircraft is operated during such quarter and, with respect to each flight, the number of passengers and/or pounds of cargo transported, the number of pounds of mail transported, the fares or rates charged or the charter price, and the model aircraft used.

3. Amend paragraphs (a) and (c) of § 298.22 to read as follows:

§ 298.22 Operation of large aircraft.

(a) *Prohibition of operation of large aircraft in air transportation.* Nothing in this part shall be construed as authorizing the operation of aircraft having a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds.

* * * * *

(c) *Reporting of operations with large aircraft.* Any air taxi operator which operates or intends to operate large aircraft for compensation or hire shall file with the Board a description of the method or proposed method of operations and state why such operations are believed not to constitute air transportation. Such reports shall state, among other pertinent matters, whether State lines or the boundaries of the United States will be crossed; the ultimate origin and destination (not only the places between which carriage is provided) of the persons or property carried; and the persons with whom contracts for transportation have been made or are expected to be made. In case operations not falling within the description on file with the Board are to be undertaken, a report containing the same data shall be filed within 3 days after the particulars of such operations have been decided upon. These reports shall be submitted in duplicate, by airmail if mailed more than 200 miles from Washington, D.C., addressed to the Civil Aeronautics Board, Washington, D.C. 20428, Attention of the Bureau of Operating Rights.

4. Amend paragraph (c) of § 298.50 by revising subparagraph (1) and adding new subparagraph (1-1), the paragraph as amended to read as follows:

§ 298.50 Filing for registration by air taxi operators.

* * * * *

(c) Registration shall be accomplished by filing the following with the Board's Bureau of Operating Rights, Washington, D.C. 20428:

(1) A "Registration under Part 298 of the Economic Regulations of the Civil Aeronautics Board" (CAB Form 298-A) executed in duplicate.[5] This form shall be certified by a responsible official of such carrier and shall include the following information: (i) Name in which the FAA certificate is issued; (ii) the carrier's Federal Aviation Administration certificate number and the name in which the insurance policy is issued; (iii) address of its principal place of business and its mailing address; (iv) whether the carrier is currently performing at least five round trips per week pursuant to published schedules; (v) whether the carrier has currently effective insurance which complies with Subpart D of this part; (vi) whether the carrier is performing passenger, cargo and/or mail service; (vii) the serial number and model number of each aircraft operated which has a maximum passenger capacity between 20 and 30 seats or a maximum payload capacity between 5,000 and 7,500 pounds; and (viii) whether the carrier has performed passenger service between a point in the United States and a point outside thereof during the past 12 months.

(1-1) Every registered air taxi operator who acquires for use in his air taxi operations an aircraft whose maximum passenger and payload capacity is within the limitations enumerated in subdivision (vii) of subparagraph (1) of this paragraph shall file with the Board, within 30 days after each such aircraft acquisition, an amended CAB Form 298-A, reflecting the fact of such acquisition.

* * * * *

(Secs. 204 and 416, Federal Aviation Act of 1958, 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-11373 Filed 3-21-72;8:49 am]

[4] The carriers are cautioned that safety regulations of the FAA applicable to air taxi aircraft in excess of 12,500 pounds may be different from those applicable to aircraft weighing 12,500 pounds or less and that, as in the case of all operations conducted under this part, the operations with aircraft in excess of 12,500 pounds must be conducted pursuant to applicable safety regulations.

[5] CAB Form 298-A (revised July 1972) is filed as part of the original document hereto and can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER E—VISAS

[Dept. Reg. 108.669]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Aliens Entering To Perform Skilled or Unskilled Labor

Part 42, Chapter I, Title 22 of the Code of Federal Regulations, is amended to provide for the revocation of a provision under which certain aliens are not considered to be within the purview of section 212(a)(14) of the Immigration and Nationality Act, as amended.

Section 42.91(a)(14)(ii)(*e*) is amended to read "(*e*) a member of the Armed Forces of the United States."

Section 42.91(a)(14)(ii)(*f*) is revoked in its entirety.

Effective date. The amendment to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER (7-22-72).

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

For the Secretary of State.

WILLIAM N. DALE,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

JULY 12, 1972.

[FR Doc.72-11316 Filed 7-21-72;8:46 am]

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Dept. Reg. 108.668]

PART 121—ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

PART 125—UNCLASSIFIED TECHNICAL DATA AND CLASSIFIED INFORMATION (DATA AND EQUIPMENT)

Miscellaneous Amendments

Parts 121 and 125 of Title 22 of the Code of Federal Regulations are amended as set forth below.

1. Section 121.01, Category VIII(l), is amended to read as follows:

§ 121.01 The U.S. munitions list.

* * * * *

CATEGORY VIII—AIRCRAFT, SPACECRAFT, AND ASSOCIATED EQUIPMENT

* * * * *

(l) Inertial systems, and specifically designed components therefor, inherently capable of yielding accuracies of better than 1 to 2 nautical miles per hour circular error of probability (c.e.p.).

* * * * *

2. Section 121.14 is added to read as follows:

§ 121.14 End-items, components, accessories, attachments, and parts.

(a) End-items are defined as assembled whole systems or equipment, ready for its intended use, (1) for which only ammunition, fuel or other energy sources are required to place them in an operating state, and (2) consisting of components and parts, with or without accessories or attachments. (Examples: rifles, tanks, aircraft, transceivers, ships, etc.)

(b) Components are items which are useful only when used in conjunction with an end-item. They are defined as either major or minor: (1) Major components include any assembled elements which form a portion of an end-item without which the end-item is inoperable (examples: airframes, tail sections, engines, transmissions, tank treads, hulls, etc.); and (2) minor components include any assembled elements of a major component.

(c) Accessories and attachments are defined as elements of any components, systems, or products not necessary for the operation of an end-item, but which enhance the usefulness or effectiveness of the end-item. (Examples: riflescopes, special paints, etc.)

(d) Parts are defined as any single unassembled elements of major and minor components, accessories and attachments which are not normally subject to disassembly without destruction or impairment of design use. (Examples: rivets, wire, bolts, etc.)

3. Sections 125.11 (a)(2) and (b)(1) are revised to read as follows:

§ 125.11 General exemptions.

(a) * * *

(2) If it has been approved for public release by any U.S. Government department or agency having authority to classify information or material under Executive Order 11652, as amended, and other applicable Executive Orders, and does not disclose the details of design, production, or manufacture of any arms, ammunition, or implements of war on the U.S. Munitions List.

* * * * *

(b) * * *

(1) No license shall be required for the oral and visual disclosure of unclassified technical data during the course of a plant visit by foreign nationals provided the data is disclosed in connection with a classified plant visit or the visit has the approval of a U.S. Government agency having authority for the classification of information or material under Executive Order 11652, as amended, and other applicable Executive Orders, and the requirements of Section V, paragraph 40(d) of the Industrial Security Manual are met.

* * * * *

(Sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101, 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925; Redelegation of Authority No. 104-3-A, 28 F.R. 7231; Redelegation of Authority No. 104-7, 35 F.R. 3243; Redelegation of Authority No. 104-7-A, 35 F.R. 5423, 5424)

[SEAL] JOHN N. IRWIN II,
Acting Secretary of State.

JULY 12, 1972.

[FR Doc.72-11341 Filed 7-21-72;8:46 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGD 72-11CR]

PART 110—ANCHORAGE REGULATIONS

Neenah Harbor, Neenah, Wis.; Correction

This amendment to the anchorage regulations corrects the description of the special anchorage area established in Neenah Harbor, Neenah, Wis. as published in the FEDERAL REGISTER on June 28, 1972 (37 F.R. 12721). One bearing and distance was inadvertently omitted from the rule. The correct description was contained in the notice of proposed rule making published in the FEDERAL REGISTER on February 1, 1972 (37 F.R. 2447).

Since the notice of proposed rule making contained the correct description further notice is considered unnecessary.

In consideration of the foregoing, § 110.79a of Part 110 of Title 33 of the Code of Federal Regulations is corrected to read as follows:

§ 110.79a Neenah Harbor, Neenah, Wis.

The area of Neenah Harbor south of the main shipping channel within the following boundary: A line beginning at a point bearing 117.5°1,050'' from the point where the southeasterly side of the First Street/Oak Street Bridge crosses the south shoreline of the river; thence 254°162''; thence 146°462''; 164°138''; 123°367''; 068°400''; 044°-400''; thence 320°107''; thence 283°-1,054'' to the point of beginning.

NOTE: An ordinance of the city of Neenah, Wis., requires approval of the Neenah Police Department for the location and type of individual moorings placed in this special anchorage area.

(Sec. 1, 28 Stat. 647, as amended, sec. 6(g)(1)(C), 80 Stat. 937; 33 U.S.C. 258, 49 U.S.C. 1655(g)(1)(C); 49 CFR 1.46(c)(3))

Effective date. This amendment becomes effective on August 1, 1972.

Dated: July 18, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-11371 Filed 7-21-72;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 9-4.51—Research Agreements and Contracts With Educational Institutions

PART 9-16—PROCUREMENT FORMS

Subpart 9-16.50—Contract Outlines

MISCELLANEOUS AMENDMENTS

AECPR Subpart 9-4.51 and AECPR subsections 9-16.5002-8 and 9-16.5002-9 have been extensively revised in accordance with OMB Circulars A-21, revised, and A-101 and to reflect a number of other administrative changes. Specific changes by subpart, section, and subsection are as follows:

SUBPART 9-4.51 RESEARCH AGREEMENTS AND CONTRACTS WITH EDUCATIONAL INSTITUTIONS

(1) Section 9-4.5102 *General.* Language has been added to recognize the Commission's new authority to support research programs related to forms of energy other than atomic.

(2) Section 9-4.5103 *Research program objectives.* Changes have been made and language added to reflect the authority as described in (1) above.

(3) Section 9-4.5105 *Submission of research proposals.* A reference to the Commission's policy on cost sharing has been added.

(4) Section 9-4.5106-3a *Compensation of personal services of professional staff.* The references to "BOB" have been changed to "OMB". Other minor editorial changes have also been made.

(5) Section 9-4.5107-2 *Special research support agreements.* (a) The annual support level below which the SRSA may be used has been increased from $250,000 to $500,000.

(b) The certified statement of costs may be signed by any authorized official of the contractor. The principal investigator is no longer specifically required to sign it.

(c) A reference to the Commission's policy on cost sharing has been added.

(d) Minor editorial changes have been made.

(6) Section 9-4.5107-4 *Cost-type contract.* (a) The annual support level

above which a cost-type contract is generally used has been increased from $250,000 to $500,000.

(b) A reference to the Commission's policy on cost sharing has been added.

(c) The policy that the deviation approvals set out in SRSA contracts are applied to cost-type contracts, "to the extent necessary and appropriate" has been added.

(d) Minor editorial changes have been made.

(7) Section 9–4.5108 *Ownership of property.* This section has been renamed "personal property" and has been rewritten to:

(a) Change the thrust of the policy on granting title to equipment under the Grant Act to more closely parallel the policy set forth in OMB Circular No. A–101;

(b) More clearly define the authority to vest title to equipment and other personal property under the Atomic Energy Act, without contractor contribution;

(c) Add language regarding the requirement for a programmatic determination to vest title to personal property and to define how this will be accomplished for property purchased or fabricated under the contract, for AEC-held property whether purchased or fabricated under the contract, and for GSA-held personal property; and

(d) Add language (subsection § 9–4.5108–2) regarding the acquisition of and vesting title to excess Government personal property.

(8) Section 9–4.5109–7 *Equipment report.* The definition of equipment has been changed from an anticipated service life of 1 year or more and an acquisition cost of $100 to an anticipated service life of 1 year or more and an acquisition cost of $200 for special research support agreements or $300 ($200 if the contractor prefers) for cost-type contracts.

(9) Section 9–4.5111–1 *Renewal proposals.* (a) Language has been added to instruct contractors to footnote the financial statement to show the estimated amount of outstanding commitments for personal property at the end of the contract period.

(b) A reference to the Commission's policy on cost sharing has been added.

(10) Section 9–4.5112–2 *Responsibilities of AEC Field Offices.* (a) Paragraph (e) has been changed to reference the Atomic Energy Act, rather than contractor contribution, as authority to vest title to personal property.

(b) A sentence has been added to paragraph (e) requiring that the Grant Act be used for vesting title to the maximum extent consistent with the authority contained in that Act.

(11) Section 9–4.5112–3 *Payments under special research support agreements.* (a) Language has been changed to make advance payments mandatory and to base them on the new funds added for the contract period, rather than the AEC support cost.

(b) The letter of credit reference has been updated to cite the Treasury Manual and use of the letter of credit has been emphasized.

(c) The established policy of releasing the withheld amount from a prior contract period upon execution of the contract for the new period has been added to the beginning of paragraph (b).

(d) The obtaining of an appropriate patent clearance has been added as a fourth requirement to be met before final payment is made.

(12) Section 9–4.5112–4 *Payments under cost-type contracts.* The use of the letter of credit has been emphasized.

(13) Section 9–4.5112–5 *AEC approval of deviations in performance and other specified actions.* This subsection has been rearranged and revised in accordance with the policies set forth in OMB Circulars A–21, revised, and A–101.

(a) Contractors do not have to advise the Commission of a continuation of the research work without an approved principal investigator unless there is no approved principal investigator for a period in excess of 3 months. Formerly, such advice was required immediately.

(b) Significant changes in methods or procedures used in performing the research are now to be reported in the first technical progress report issued subsequent to making the changes.

(c) Approval must be obtained for an item of equipment costing $1,000 or more which is not itemized in the contract. This section formerly read "* * * cost in excess of $1,000 or 2 percent of the estimated cost specified in Article A–III of the contract, whichever is greater * * *."

(d) Rather than requiring approval for equipment items which would cause the approved equipment budget to be increased by $500 or more, approval is required if the items would increase the approved equipment budget in excess of 125 percent thereof.

(e) A new requirement has been added regarding approval of expenditures for domestic travel in excess of $500, or 125 percent of the amount shown for domestic travel in the contract, whichever is greater.

(f) As of July 1, 1972, Canada will no longer be considered foreign travel.

(g) A requirement for approval of the acquisition of excess personal property has been added.

(h) The approval requirements listed in this subsection for cost-type contracts now apply only to the extent "necessary and appropriate."

Section 9–16.5002–8 *Outline of special research support agreement with educational institutions.* (1) The prefatory paragraph of the basic document has been revised to delete the date which the contract is entered into.

(2) The basic document has been revised to provide for the use of recitals.

(3) Article III has been revised to provide for a unilateral increase in the support ceiling.

(4) Articles IV and V have been reversed. Article V is now called "Appendices" and Appendix A has been referenced in Article V.

(5) Appendix A has been revised as follows:

(a) Categories of personnel are no longer required to be listed under the salaries and wages line.

(b) A breakdown of travel by foreign and domestic has been added.

(c) "Supplies and materials" and "publications" have been combined with "other" and redesignated "other direct costs."

(d) The source of the AEC support cost amount has been broken down and reflected as the "estimated unexpended balance from the prior period(s)" and "new funds for the current period."

(e) A policy change of basing advance payments on the new funds, rather than the AEC support cost has been cited.

(5) Article B–II—*Inspection reports, records, and accounts.* (a) A footnote has been added regarding the use of commercial cost principles, rather than OMB Circular No. A–21, revised, in the event the contract is used for a not-for-profit institution other than an educational institution or a related research foundation.

(b) Cities regarding "BOB" have been changed to "OMB."

(c) The examination of records article has been cited as the basis for the records retention requirements.

(6) Article B–III—*Publication of results.* The last section of paragraph (b) has been rephrased for the purpose of clarification.

(7) Article B–XI—*Payments.* (a) The language has been changed citing the new funds as the basis for advance payments rather than AEC support costs.

(b) Other minor editorial changes have been made.

(8) Article B–XXI—*Reports and renewal proposals.* (a) The definition of equipment has been changed from $100 to $200.

(b) Minor editorial changes have been made.

(9) Article B–XXII—*Foreign travel.* A definition of foreign travel has been added.

(10) Article B–XXIX—*Determination of support cost.* (a) Language has been added to require the contractor to use either accrual or cash accounting methods in accumulating and reporting costs, but not both.

(b) A requirement for footnoting the renewal proposal to show estimated outstanding commitments for personal property has been added. Also, a space has been provided in Appendix C for inserting the actual outstanding commitments for personal property.

(c) A footnote has been added regarding the use of commercial cost principles if the contract is with a not-for-profit organization other than an educational institution or a related research foundation.

(11) Article XXX—*Additional approvals.* This article has been rearranged and has been revised in accordance with OMB Circulars A–21, revised, and A–101. Details of these changes are described under item 13 of AECPR 9–4.51, above.

(12) Appendix C—*Statement of costs.* (a) This appendix has been rewritten and revised to parallel Appendix A, as described above.

(b) A line to show the difference between the accumulated support ceiling and cumulative support costs has been added.

(c) A space has been provided for inserting the actual outstanding commitments for personal property.

Section 9-16.5002-9 *Outline of cost-type contract for research and development with educational institutions.* (1) The prefatory paragraph of the basic document has been revised to delete the date which the contract is entered into.

(2) The basic document has been revised to provide for the use of recitals.

(3) The dollar definition of equipment in Appendix A has been changed from "$100" to "$200 ($300, if the contractor prefers)."

(4) Article B-2—*Allowable costs.* The reference to AECPR 9-7.5006-11 has been deleted and a new clause is provided in its place.

(5) Article B-4—*Accounts, records, inspection and reports.* (a) A footnote has been added regarding the use of commercial cost principles if the contract is with a not-for-profit organization other than an educational institution or related research foundation.

(b) Note A has been deleted and the substance of it, regarding contractor contribution, has been added to paragraph (a).

(6) Article B-6—*Publication of results.* The last section of paragraph (b) has been rephrased for the purpose of clarification.

(7) Article B-11—*Foreign travel.* A definition of foreign travel has been added to this article.

(8) Article B-33—*Payments.* This article has been rewritten to provide for the use of both AECPR 9-7.5006-23 or -25, depending upon whether advances are to be made. Additionally, if advances are to be made, the use of the letter of credit has been emphasized.

(9) Article B-38—*Controls in the national interest.* This article has been deleted as it no longer applies to off-site research with educational institutions.

1. In AECPR Part 9-4, Special Types and Methods of Procurement, Subpart 9-4.51, Research Agreements and Contracts with Educational Institutions, is revised as follows:

Subpart 9-4.51—Research Agreements and Contracts With Educational Institutions

Sec.

AUTHORITY: The provisions of this Subpart 9-4.51 issued under section 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; section 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

Subpart 9-4.51 Research Agreements and Contracts With Educational Institutions

§ 9-4.5100 Scope of subpart.

This subpart sets forth policies and procedures applicable to the negotiation and administration of Washington-designated special research support agreements and cost-type contracts for off-site basic research with educational institutions. To the extent applicable, these policies and procedures should also be followed for Washington-designated contracts for off-site applied research with educational institutions, for Field Office contracts for off-site research with educational institutions, for basic or applied research with other "not-for-profit" institutions, and for educational and training activities with educational or other "not-for-profit" institutions. The policy of AEC reimbursing only AEC's share of actual costs up to a ceiling should be reflected in all AEC contracts with educational institutions.

§ 9-4.5101 Definitions.

(a) The term "Washington-designated contract" as used hereafter in this subpart means a special research support agreement or a cost-type contract which results from an authorization to an AEC field office from an AEC headquarters division or office to enter into or continue such a contract on the basis of an approved research proposal.

(b) The term "contractor" means the educational or not-for-profit institution which enters into an agreement or contract with the Atomic Energy Commission for the performance of specified research.

(c) The term "research proposal" means a request by an institution for AEC support of a research project, together with a detailed description of the project and its relationship to the Commission's program, and detailed information as to background and experience of principal investigators, facilities, and environment of the institution, and cost and cost-sharing arrangements, if any.

§ 9-4.5102 General.

The Atomic Energy Commission by statute is permitted to participate in research programs that are related to atomic energy and in programs related to other forms of energy.

§ 9-4.5103 Research program objectives.

(a) Under section 31a of the Atomic Energy Act of 1954, the AEC is directed to exercise its powers in such manner as to insure the continued conduct of research and training activities and to assist in the acquisition of an ever-expanding fund of theoretical and practical knowledge in the following fields:

(1) Nuclear processes;

(2) The theory and production of atomic energy, including processes, materials, and devices related to such production;

(3) Utilization of special nuclear material and radioactive material for medical, biological, agricultural, health, or military purposes;

(4) Utilization of special nuclear materials, atomic energy, and radioactive material, and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial and commercial uses, the generation of usable energy and the demonstration of advances in the commercial or industrial application of atomic energy.

(5) The protection of health and the promotion of safety during research and production activities.

(6) The preservation and enhancement of a viable environment by developing more efficient methods to meet the nation's energy needs.

§ 9-4.5104 Contract objectives.

(a) Washington-designated research contracts are entered into by negotiation (as distinguished from formal advertising) under the authority of section 31c of the Atomic Energy Act of 1954 and

section 302(c)(5) of the Federal Property and Administrative Services Act of 1949. In planning, negotiating, and administering such contracts, the objectives of AEC are to:

(1) Assure a continuing flow of new knowledge in fields related to the responsibilities of the AEC;

(2) Respect the traditions of the contracting institution and encourage the quest for new knowledge without restrictions on scientific initiative, to the extent compatible with the laws and the protection of the public interest;

(3) Provide reasonable levels of support which will increase the national capability in energy fields and enable the contracting institution to strengthen its research programs in areas of interest to AEC;

(4) Maintain effective contact with the scientific community so that:

(i) Scientists and students will be encouraged to expand their interests in fields of importance to the AEC program;

(ii) The scientific strength of the country can be brought to bear more effectively on AEC problems;

(iii) The AEC will be continuously aware of developments of value to its activities in the academic communities; and

(iv) An adequate supply of suitably trained scientists will be available for employment within the atomic energy program.

(b) The contractor is responsible for conducting the research and is expected to carry out the project or projects in a manner consistent with agreed-upon contract objectives and requirements; these include the obligation to comply with applicable laws and regulations, including the AEC's regulatory requirements. The contractor is generally expected to follow its normal business practices and to utilize its existing accounting system.

§ 9–4.5105 Submission of research proposals.

(a) Proposals for AEC assistance are usually initiated by scientists interested in doing the research. In some cases, however, the AEC may request investigators to undertake research of particular interest to the AEC. Prior to submitting a proposal, the interested scientist may discuss the project informally, either by letter, telephone, or personal visit with a member of the AEC Headquarters Program Division that has the greatest interest in the work. Also, following an informal discussion, a formal proposal may be requested. The proposal should be submitted to the appropriate AEC Headquarters Program Division and should indicate:

(1) Identity and background of the project;

(2) Objective of the investigation;

(3) Approximate types and number of personnel who would be utilized, and an approximation of the time to be devoted to the project work;

(4) Facilities, equipment, and other wherewithal to be used;

(5) Amount of money sought from AEC which, together with the institution's contributions (if any), would enable the work to be performed; (see AECPR 9–4.56 for policy on cost sharing) and

(6) Whether the institution wishes to establish stipulated salary support amounts as the bases for charges for personal services of any professorial staff members to be utilized on the project. If the institution wishes to establish such stipulated salary support amounts, the proposal should include the following information for each professorial staff member involved:

(i) Academic year salary;

(ii) Other research projects or proposals for which salary is allocated; and

(iii) Any other duties, such as teaching assignments, administrative assignments, supervision of graduate students, or other institutional activities.

(b) Each formal proposal shall be prepared in the manner and form outlined in the "Guide for the Submission of Research Proposals," copies of which may be obtained from the U.S. Atomic Energy Commission, Washington, D.C. 20545. Preliminary inquiries regarding support should be referred to the appropriate AEC Headquarters Division. (See § 9–4.5101(a).)

§ 9–4.5106 Selection, preparation, and award of research contracts.

§ 9–4.5106–1 General.

In order to maintain a comprehensive and well-integrated research program, AEC evaluation of research proposals and selection of educational institutions to conduct scientific research is centralized in AEC Headquarters. However, AEC field offices in close proximity to the contractor are assigned responsibility for handling the final contract arrangements and nontechnical administration of such contracts. See § 9–3.150 for policies and procedures relating to the treatment of proposal information.

§ 9–4.5106–2 Responsibilities.

(a) *Headquarters Program Divisions.* The AEC Headquarters Program Divisions interested in the particular research are responsible for evaluating the technical aspects of proposals and the amount of requested support. Such divisions also review the prospective contractor's cost and other estimates to determine the reasonableness, the propriety, and the advisability of proceeding with the project, as proposed or as the proposal may in effect be amended. Specifically, Directors of AEC headquarters divisions are responsible for:

(1) Selecting and approving research proposals and determining the amount of AEC support;

(2) Reviewing the items in the proposal budget or itemized account of the proposed work, and, if necessary, the assistance of the appropriate AEC field office may be requested;

(3) Determining the ownership of property;

(4) Reviewing and following the technical progress of the work;

(5) Providing contractors with the technical guidance and direction as may be required to meet broad program objectives; and

(6) Keeping the AEC field offices fully informed of technical correspondence and discussions with contractors that may have contractual or nontechnical administrative implications.

(b) *Field Offices.* AEC field offices are responsible for the consumation of contracts with the specified institution in accordance with directives from AEC Headquarters Program Divisions, and administering and making payments under such contracts. Specifically, Managers of AEC field offices are responsible for:

(1) Finalizing and executing the contract (where necessary, obtaining further instructions from the AEC Headquarters Program Division);

(2) Administering the contracts in accordance with their terms and conditions and making payments thereunder;

(3) Providing technical and administrative assistance requested by AEC headquarters division directors.

§ 9–4.5106–3 Review of research proposals.

(a) *Use of consultants.* If, in the judgment of the AEC Headquarters Program Division, an appraisal from representatives of the scientific community is required, reviewers may be selected on the basis of their familiarity with either the field of research or the competence of the investigator.

(b) *Field participation in proposal evaluation.* Occasionally, the AEC Headquarters Program Division may find it necessary in considering research proposals to obtain additional information from the research institution or to visit the site. In some cases, the comments, assistance, or participation of staff members of the appropriate AEC field office will be requested.

(c) *Review of major elements.* At the time it reviews a research proposal, the sponsoring AEC Headquarters Program Division shall review the prospective contractor's budget or itemized account of the proposed work and activities and the materials, equipment, and facilities involved, for the purpose of reaching mutual understanding of the estimated cost of the research to be contracted for and the other major aspects of the contract in contemplation. Questions about the cost elements that require further investigation may be referred to the appropriate AEC field office when the contract is authorized.

§ 9–4.5106–3a Compensation for personal services of professional staff.

(a) In accordance with section B.7 and section J.7 of OMB Circular No. A–21, revised, the proposing institution and the AEC must reach an understanding regarding the basis for charges to the AEC under the contract for personal services of professional staff members. It is AEC policy to use the payroll distribution procedure of section J.7.b, as the basis for charges for personal services of all nonprofessiorial professional staff,

and also for professorial staff in those cases in which it is not feasible to establish a stipulated salary support amount during the proposal and award process because detailed plans or knowledge of specific positions or individuals are not available.

(b) In those cases in which the proposing institution and the AEC agree to use a stipulated salary support amount as the basis for charges for personal services of a specified professorial staff member, the sponsoring AEC Headquarters Division shall either:

(1) Establish an appropriate stipulated salary support amount in accordance with the guidelines of OMB Circular No. A–21, revised and provide guidance to the field office regarding the amount of such individual stipulated salary support, or

(2) Request the field office to establish an appropriate stipulated salary support amount in accordance with the guidelines of OMB Circular No. A–21, revised, and within any limitations established by the sponsoring headquarters division. In establishing appropriate stipulated salary support amounts, it will be necessary for the AEC headquarters division or field office to obtain information on the academic year salary of the faculty members involved; the other research projects or proposals for which salary is allocated; and any other duties they may have, such as teaching assignments, administrative assignments, supervision of graduate students, or other institutional activities.

(c) The established stipulated salary support amount shall be provided for in the contract and shall be the basis for charges for personal services of the specified staff member unless there is a significant change in performance by the staff member (see section J.7.e. of OMB Circular No. A–21, revised, for examples of a "significant change"); if a significant change in performance occurs, the institution has the responsibility under OMB Circular No. A–21, revised, to either:

(1) Reduce the charges to the contract proportionately, or

(2) Request an appropriate amendment of the contract to reflect the change in performance.

The contract should provide that if the alternative in subparagraph (1) of this paragraph is followed, the contractor shall notify the Commission of such reduction, with an explanation of the basis of such reduction. In accordance with section J.7.e. of OMB Circular No. A–21, revised, special provision must be made in the contract if summer salaries are to be paid under the stipulated salary support procedure; the contract should provide specifically for any stipulated salary support amount for summer salaries and provide that any research covered by stipulated summer salary support must be carried out during the summer, not during the academic year, and at locations approved in advance by the Commission.

(d) If after the award of a contract the contractor wishes to charge the AEC for the personal services of a professorial staff member for whom a stipulated salary support amount has not been established in the contract, the contractor shall use the payroll distribution procedure of section J.7.b. of OMB Circular No. A–21, revised, as the basis for such charges, except as the parties may otherwise mutually agree in writing.

(e) The stipulated salary support procedure shall not be used as a basis for establishing the amount of a contractor's contribution to the research work. In those cases in which the contractor is required to maintain records in support of a contribution of the cost of professorial staff, the payroll distribution procedure of section J.7.b. of OMB Circular No. A–21, revised, should be used.

(f) The certification required by Appendix C of § 9–16.5002–8 fulfills the certification requirement of section K of OMB Circular No. A–21, revised, for the special research support agreement. In cost-type contracts (§ 9–16.5002–9) the payments article should provide for appropriate certification by the contractor, on payment invoices or vouchers, to meet the requirements of section K.

§ 9–4.5106–4 Notice of selection or rejection.

The proposer shall be notified by the AEC Headquarters Program Division of the decision to support or reject the proposal. In the event of approval, this notification shall advise: (a) That the proposal has been selected for support subject to completion of a satisfactory contract; (b) which AEC field office will negotiate and execute the contract; and (c) that the AEC assumes no obligation until a contract has been executed. A copy of the notice of approval or rejection shall be sent to the AEC field office concerned.

§ 9–4.5106–5 Selection of AEC field office.

When the AEC Headquarters Program Division has determined that a proposal will receive AEC support, an appropriate AEC field office will be requested to make the final contract arrangements with the institution concerned. Usually the AEC field office geographically nearest to the research institution will be selected, but occasionally other factors such an existing contractual relationships, will make the selection of some other AEC field office desirable.

§ 9–4.5106–6 Information to be furnished to Managers of AEC field offices.

The sponsoring AEC Headquarters Program Division shall provide the appropriate AEC field office with an authorizing directive early enough (usually 4 weeks) to permit timely consummation of the contract before the work is scheduled to start. The following shall be furnished:

(a) A copy of the detailed proposal and any modifications;

(b) Copies of correspondence with the research institution that are pertinent to the completion of the contract negotiation or that have some specific significance as to the preliminary review or arrangements made with the institution; and

(c) An authorizing directive (generally Form AEC–481, "Contract Authorization") which:

(1) Authorizes the execution of a specific type of contract for a specified term, with AEC support limited to a specified amount or a specified percentage of costs up to a specified support ceiling;

(2) Summarizes the background of the proposal and any pertinent discussion not reflected in the papers attached to the memorandum;

(3) Indicates the extent to which the scope of the work proposed has been approved;

(4) Indicates the principal investigator and other necessary details;

(5) Indicates the total estimated cost of the research and other major aspects of the contract, by reference to the proposal or otherwise;

(6) Indicates whether title to property to be acquired under the contract is to be vested in the AEC or the contractor;

(7) Indicates whether Restricted Data or other classified information is likely to be used or developed in the course of the work and such classification and security determination as may be appropriate;

(8) Indicates directions for special reports, if any;

(9) Gives such additional information as may assist the Field Office in the finalization of the contract; and

(10) Designates the appropriate organizational unit of AEC Headquarters Program Division and individual that will have technical cognizance over the work under the contract.

§ 9–4.5106–7 Changes in scope and level.

After a contract has been authorized by the AEC Headquarters Program Division, and prior to execution of a contract, the field office shall not approve any significant change in technical scope, funding, specified result, performance, principal investigator, or other major aspect of the work without AEC Headquarters Program Division prior approval.

§ 9–4.5106–8 Notification of contract execution.

Promptly after execution of a contract, the appropriate AEC Headquarters Program Division should be notified of such action.

§ 9–4.5107 Standard contract forms.

§ 9–4.5107–1 General.

Outlines of standard contract forms for special research support agreements and cost-type contracts with educational institutions, for research performed in facilities owned or controlled by the contractor (as distinguished from Government-owned or Government-controlled facilities), are set forth in §§ 9–16.5002–8 and 9–16.5002–9, respectively. It is intended to provide through these documents a vehicle by which research tasks can be accomplished with a minimum of administrative effort. It

is therefore important that such contracts be written in such a manner as to assure the complete understanding of the parties as to the job to be performed and the financial and administrative details connected therewith. Of special consideration is the nature of research contracting in contrast to the procurement of supplies or activities of a production nature. It is recognized that wide latitude in the conduct of research by the institutions is generally desirable and the standard contract forms are designed to permit such latitude in the overall establishment of the rights and obligations of the parties.

§ 9–4.5107–2 Special research support agreements.

(a) The special research support agreement outlined in § 9–16.5002–8, is generally used for basic research with educational institutions when the annual AEC support under the agreement does not exceed $500,000. It provides that AEC's monetary obligation will be a specified amount, which is referred to as the support ceiling, or a lower adjusted amount (referred to as the cumulative support cost) if actual costs chargeable to the AEC during the total period of the contract are less than expected. The ceiling on AEC's monetary support will be determined and established as a support ceiling at the outset of the initial contract period, generally an annual period; the initial support ceiling will be the amount of AEC support made available in connection with the initial contract period. In the event the AEC and the Contractor agree to extend the contract for an additional period or periods of performance, the ceiling on AEC's monetary support (support ceiling) would be increased to reflect any increased support by reason of the extended period or periods. The costs chargeable to the AEC (support cost) will be reported for each pertinent period of the contract specified in Appendix A (generally an annual period) in accordance with paragraphs (b) and (c) of this section, and the support cost determined for each such contract period will be accumulated for all periods of contract performance, as will the support ceiling. The monetary obligation of the AEC to the Contractor will not exceed the cumulative support cost or the accumulated support ceiling, whichever is less. Upon termination, or expiration of the total period of performance, the Contractor will refund to the AEC, or make such other disposition as the AEC may direct, any funds advanced by the AEC to the Contractor in excess of the cumulative support cost incurred under the contract. Payment shall be made in consideration for the Contractor's performance of research activities described in the contract and in accordance with the provisions of the contract. The Contractor shall have the right to discontinue performance of research under the contract, upon written notice to the AEC, at any time when or after the total costs chargeable to the AEC equal or exceed the support ceiling. Certain deviations in performance and other actions require AEC approval as stated in § 9–4.5112–5; among other approval requirements, the Contractor must obtain AEC's approval to incur costs for items set forth in Article A–II(a), during the pertinent contract period stated in Appendix A, in excess of 110 percent of the total estimated cost specified in Article A–III for the specified contract period. In those cases in which there is to be proportionate sharing of costs, the percent of the costs to be borne by the AEC will be set forth in Article A–III of the contract (see paragraph (c) of this section).

(b) The Contractor will be required to furnish a certified statement (within 3 months after the expiration of the pertinent contract period set forth in Appendix A—and at the termination or expiration of the contract) signed by an authorized official showing the total cost, support cost, and contractor contribution, if any, for the prior contract period. The format for this report is found in § 9–16.5002–8, Appendix C.

(c) It is expected that in many cases the Contractor will propose to contribute to the cost of the research work (see § 9–4.56 for policy on cost sharing). Such proposed contribution shall be set forth in Appendix A of the contract, either (1) as items under (b) or (c) of Article A–II which will be contributed solely by the Contractor without charge to the AEC, or (2) as a proportionate cost-sharing agreement in Article A–III which will provide that the Contractor will charge AEC only a specified percentage of the actual cost incurred for items under (a) of Article A–II. Proposed Contractor contributions should ordinarily be listed under (b)(1) of Article A–II when (1) the contribution is the principal investigator or other senior personnel who are likely to be involved in the research work to the same extent whether their cost is included in or excluded from proportionate cost sharing, (2) the proposed contribution to the work is being paid for by a third party, e.g., personnel or equipment the cost of which is being reimbursed under another contract or grant from public or private sources, and (3) the proposed contribution does not involve any cash expenditure by the Contractor. Only those items, the cost of which are to be charged to the AEC or proportionately shared by the parties, should be listed under Article A–II(a). Proportionate sharing of the cost of items under Article A–II(a) should be provided for only when the Contractor agrees to pay a specified percentage of the cost of all such items, and when such sharing is expected to be of financial benefit to the AEC. In those cases in which there is to be proportionate cost sharing, the Contractor should generally be encouraged to continue the same sharing ratio throughout the life of the contract so as to provide for ease of administration and to avoid difficulties in determining proper charges to the AEC. When the contract provides for proportionate cost sharing, it should be understood that the AEC will pay only the specified percentage of the actual cost of items under Article A–II(a) incurred during the pertinent contract period specified in Appendix A, up to a maximum of 110 percent of the estimated support cost set forth in Article A–III for the pertinent contract period unless otherwise specifically approved by the AEC, and subject to the support ceiling set forth in Article III.

(d) If the Contractor proposes to contribute the cost of the principal investigator(s) on the project and requests that the contribution be excluded from A–II (b), the contributed time or effort should be shown in A–II(c). In any event, Article A–I should include a statement regarding the approximate percentage of time or effort that the principal investigator(s) expects to devote to the contract work. If the principal investigator(s) is included under A–II(c), the Contractor would not be required to maintain records regarding the amount of effort contributed by the principal investigator, and the Contractor would not be required to certify in accordance with Appendix C of the contract regarding the amount of effort contributed by the principal investigator. The principal investigator may be included in Article A–II(a) for purposes of obtaining AEC reimbursement of hi.. costs during the summer months, and excluded from Article A–II(a) for the academic year if the Contractor proposes to contribute the costs for that period. The contract generally will not require the Contractor's commitment that any particular amount of time or effort by the principal investigator(s) or other personnel will be devoted to the work under the contract. In the event a proposed Contractor contribution is included in Article A–II (b)(1), the contract should reflect the nature and extent of the Contractor's intent to contribute the item, and the Contractor shall maintain records adequate to permit the AEC to determine the extent of the contribution. The Contractor shall certify, in accordance with Appendix C of the contract, the extent to which the item or items under Article A–II(b)(1) have been contributed. Government-owned property to be procured, fabricated, or furnished under Article IV or Article B–IX of the contract and other Government-furnished equipment, supplies, materials, or services should be excluded from Article A–II(a) and listed under Article A–II(b)(2).

(e) If the special research support agreement outlined in § 9–16.5002–8 is to be used for not-for-profit organizations other than educational institutions, Article B–XXIX, Determination of Support Cost, should be revised to provide that the AEC's commercial cost principles (AECPR 9–15) will be used in determining actual cost, or the contract provisions may be revised at the direction of the cognizant AEC headquarters division or office to provide for a lump-sum payment to the Contractor in consideration for its performance of particular research at a specified level of effort. The special research support agreement outlined in § 9–16.5002–8 may also be used for supporting research at educational institutions in foreign countries; however, at the discretion of the

cognizant AEC headquarters division or field office, the outline of § 9–16.5002–8 may be revised to provide for a lump-sum payment to the foreign institution in consideration for its performance of particular research at a specified level of effort, and to limit approval requirements to those considered consistent with the nature of the support to the foreign institution. All such agreements with foreign institutions should provide that any unused AEC funds available to the foreign institution at the end of the contract term shall be used in a renewal period of the contract, returned to the AEC, or otherwise disposed of, in accordance with AEC instructions.

§ 9–4.5107–3 Cost-type contract.

The cost-type contract for research by educational institutions, outlined in § 9–16.5002–9, is generally used when the annual AEC support under a contract exceeds $500,000, or when the cost of the project cannot be estimated in advance with reasonable accuracy. In many cases the contractor shares in the cost of the work conducted under the contract, although this is not a prerequisite for AEC support (see § 9–4.56 for policy on cost sharing and Article III of § 9–16.5002–9). The contract provides for reimbursement to the contractor of allowable costs incurred, within a specified ceiling, for performance of the research in accordance with the provisions of the contract. Allowable costs are determined in accordance with OMB Circular No. A–21, revised, FBR Subpart 1–15.3, and § 9–15.103. (For cost-type contracts with not-for-profit institutions other than educational institutions or research foundations established by educational institutions, reimbursement of costs is in accordance with the applicable AEC commercial cost principles.) Certain deviations in performance and other actions under the contract require AEC approval as specified in the contract. Such approval requirements will be in accordance with § 9–4.5112–5, to the extent necessary and appropriate.

§ 9–4.5108 Personal property.

§ 9–4.5108–1 Ownership of property.

(a) Pursuant to Public Law 85–934, title to equipment purchased or fabricated with funds provided by AEC under contracts for the conduct of basic or applied scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research, where it is determined to be in furtherance of the objectives of the AEC, may be vested in the contractor.

(b) In addition to the authority referred to in paragraph (a) of this subsection, the Atomic Energy Act authorizes the Commission to vest title to items of equipment and other personal property in a contractor when the transfer serves a programmatic purpose.

(c) A programmatic determination as to vesting title to property shall be obtained from the cognizant program division.

(1) For property to be purchased or fabricated under the contract the programmatic determination will be shown on the pertinent Contract Authorization Form AEC–481 or other appropriate document.

(2) For AEC-held property whether purchased or fabricated under the contract, and for GSA-held property, as outlined in § 9–4.5108–2, the AEC field office will request (in any manner considered appropriate) a programmatic determination of the cognizant Headquarters Program Division.

§ 9–4.5108–2 Acquisition of excess Government personal property.

(a) The utilization of certain items of excess Government personal property by educational institutions is encouraged in the interest of conserving funds otherwise designated for similar items of property in existing research contracts or agreements with such institutions. Excess Government personal property includes all types of equipment and materials, used or new, which are owned by the Federal Government and are no longer needed by the holding Federal agency, but have additional useful life (for policy on ADP equipment, see FPMR 101–32.3). Consistent with GSA regulations (FPMR 101–43.320) excess personal property may be furnished to a contractor (with or without transfer of title) upon authorization by AEC provided a determination is made that the acquisition will result in a reduction in the cost to the Government of the contract or will result in an enhancement in the product or the benefit from the contract. This procedure will not normally be used for the acquisition of general purpose equipment (e.g., desks, typewriters, air conditioners).

(b) Contractors may obtain information concerning the availability of certain kinds of equipment or materials by requesting the cognizant AEC office to have them placed on the GSA mailing list. When an item of equipment or material is selected, the contractor should reserve it by notifying the cognizant GSA office and confirm the reservation in writing. Availability is usually on a first-come, first-served basis, but GSA will give preference in a competing situation to those agencies which do not vest title to property in the contractor. The contractor should then submit a Standard Form 122, Transfer Order Excess Personal Property, to the cognizant AEC office, accompanied by a written justification of need, including the estimated cost of acquisition (e.g., packing, shipping, installation, rehabilitation, etc.), signed by the principal investigator and an authorized administrative official. The written justification shall contain a statement as to whether or not the contractor desires title to the property. If the acquisition is approved, in accordance with § 9–4.5108–1 (c) (2), the AEC office shall forward the SF–122 to the appropriate GSA office with a notation as to whether or not the AEC intends to vest title to the property in the contractor. A copy of the approved SF–122 with the notation regarding the vesting of title shall be returned to the contractor. When the property is received, the contractor shall forward to the AEC office a receipted copy of the SF–122 which lists the items of property.

(c) In those instances where the contractor's acquisition of title has been approved by the AEC, title to the property shall pass to the contractor when the receipted SF–122 is received by the AEC office, pursuant to Article B–IX(b), property items, of § 9–16.5002–8 or Article II, Appendix A of § 9–16.5002–9, as appropriate. Contract funds may be used to pay for all costs of packing, transportation, installation, rehabilitation and/or maintenance, if required.

(d) In those instances where the contractor did not desire title or where the cognizant AEC office has determined that title to the excess property should remain in the Government, the property will be handled as Government property in accordance with Article B–IX of § 9–16.5002–8 or Article B–26 of § 9–16.5002–9, as appropriate.

§ 9–4.5109 Reporting requirements.

§ 9–4.5109–1 Purpose of reports.

Research reports from contractors are necessary to provide AEC, and, where appropriate, the public, with a record showing the progress achieved under projects receiving AEC support. In many instances, the research reports are of value in making information available to scientists working on closely allied problems.

§ 9–4.5109–2 Summary—200 words.

Immediately after a contract is negotiated, a summary of approximately 200 words (SIE form) covering the purpose and scope of the project should be sent by the contractor to the appropriate AEC field office. In connection with each renewal proposal, the 200-word summary should be revised to include the significant results and conclusions of the former years' work and a statement of the scope and objectives of the following year.

§ 9–4.5109–3 Progress reports.

Progress reports should briefly describe the scope of the investigations undertaken and the significant results obtained. They should also explain any significant differences between the actual level of activity (expressed in the various categories of man months, facilities procured, travel performed, etc.) and that contemplated in the contract.

§ 9–4.5109–4 Technical reports.

Technical reports, preprints, and articles prepared for publication during the period covered should be listed with bibliographic references. Reprints of all such material not previously submitted should be appended and material contained in them need not be duplicated in the report.

§ 9–4.5109–5 Special reports.

Special reports or additional progress, status, or topical reports may be requested when needed by the appropriate AEC Headquarters Program Division or AEC field office or may be submitted as

deemed necessary by the contractor. For example, brief status reports may be requested when developments are of immediate interest or when a significant point in the investigation has been reached.

§ 9–4.5109–6 Final report.

A final report summarizing the entire investigation shall be required from the contractor upon expiration of each contract. Satisfactory completion of a contract will be contingent upon the receipt of this report. The final report should follow the outline agreed upon for progress reports or, when a project has extended over a long period of time, the final report may refer to previously submitted technical reports for details and may be a synopsis of the entire project. Manuscripts prepared for publication should be appended.

§ 9–4.5109–7 Equipment report.

(a) An equipment report itemizing equipment having an anticipated service life of 1 year or more and an acquisition cost in excess of $200 for special research support agreements and $300 ($200 if the contractor prefers) for cost-type contractors either purchased or fabricated, when title to such equipment is vested in the contractor, shall be furnished by the contractor immediately following the expiration of the contract year, in accordance with Article B–XXI of the special research support agreement set forth in § 9–16.5002–8 (omit any item covered by Article V, Government Property, of this contract), and in accordance with the requirements of Appendix A–III of the cost-type contract set forth in § 9–16.5002–9. Where the cost of individual pieces of equipment exceeds $1,000, they shall be listed individually. Where individual items cost between $200 and $1,000 for special research support agreements or $300 ($200 if the contractor prefers) and $1,000 for cost-type contracts, they shall also be listed individually to the extent practicable, or grouped in general categories, such as "electronics equipment" or "six motors," with the total dollar amount of such category. The cost of purchased items shall be determined by the actual invoice cost of such items, but the cost of fabricated items may be established by engineering estimates.

(b) In order to satisfy the requirements of the Grant Act (Public Law 85–934), Managers of Field Offices shall forward to the Director, Division of Contracts, not later than March 15 of each year, the original and one copy of each equipment report referred to in paragraph (a) of this section, identifying each item purchased with AEC funds and titled in the contractor under the Grant Act, submitted by contractors for the preceding calendar year.

§ 9–4.5109–8 Summary and distribution of reports.

A table summarizing the various types of reports, time for submission, number of copies and distribution is set forth below. The distribution and schedule of reports shall be as prescribed in this table, unless the authorizing program division specifies otherwise. Frequently, an annual progress report and a 200-word summary are sufficient for fundamental research, but additional reporting may be required in many cases. These reports are prepared by the contractor and submitted to the appropriate AEC field office for distribution. The AEC field office shall transmit these reports with a covering memorandum indicating: (a) The other AEC offices receiving the documents, (b) the name of the contractor, and (c) the contract number. Each copy of the documents should bear the contract number.

DISTRIBUTION AND SCHEDULE OF DOCUMENTS

Type	When due	Number of copies for: Field office	Headquarters program division	DTI ext. Oak Ridge [a]	Headquarters patents OGC
1. Summary: 200 words on scope and purpose (S.I.E. Form).	At start of initial contract and each renewal period	1	3		
2. Renewal proposal	Not later than 3 months nor earlier than 6 months before contract expires.	2	4		
3. Annual progress reports [b c]	With renewal proposal, but bound separately	2	4	[a] 1	
4. Other progress reports, brief topical reports, etc. (Desired when significant results develop or when work has direct programmatic impact.) [b c]	As deemed necessary by investigator or as specifically requested by appropriate headquarters division.	2	4	[a] 1	
5. Conference papers [c]	Same as 4 above	2	4	[a] 1	
6. Final report [b c]	When contract is completed	2	2	[a] 1	1

[a] AEC contract administrator informs contractor which types of documents are to be transmitted to DTIE. For each document so identified, contractor sends the additional copy to the contract administrator for transmittal to DTIE, accompanied by one copy of AEC Form 427.

[b] Report shall be prefaced by an informative abstract of no more than 200 words.

[c] § 9–4.5109–4 requires the listing of technical reports, articles, and preprints and the appendage of reprints not previously submitted.

§ 9–4.5110 Dissemination of results.

§ 9–4.5110–1 Prompt dissemination.

Prompt dissemination of research results to the scientific community is encouraged. Publication in open literature is recognized as the normal and most desirable means for reporting the finding of unclassified fundamental research. Although the AEC reserves the right to utilize, and have others utilize, to the extent it deems appropriate, the reports resulting from research contracts, the AEC will attempt, to the maximum extent reasonably practicable and consistent with the Government's best interest, to permit the institutions and the authors to effect their own publication in established technical journals. (See Part 9–9 for copyright requirements which must be observed.)

§ 9–4.5110–2 Publication.

(a) Contractors are urged to publish results through normal publication channels. As a further inducement, page charges or other printing assessments for publishing articles in recognized scientific journals or any additional costs incurred in obtaining a limited supply of reprints of articles will be considered an appropriate budget item under contracts receiving AEC support where:

(1) The document reports work supported by the Government;

(2) The charges are levied impartially on all research papers published by the journal, whether by non-Government or by Government authors;

(3) Payment of such charges is in no sense a condition for acceptance of manuscripts by the journal;

(4) The journals involved are not operated for profit;

(5) The author does not receive an emolument for the research paper.

(b) A credit line should be included in any such publication to indicate that the research has been supported, in whole or in part, by the AEC. A patent check shall be made in advance of release to the public of any material prepared for publication. Generally, however, in the case of most basic research projects, the principal investigator may publish without prior AEC approval, unless he determines that the material being released may disclose an invention. (See paragraph (b) in Appendix B–III of § 9–16.5002–8 and Appendix B–6 of § 9–16.5002–9.)

§ 9–4.5111 Extension of contracts.

§ 9–4.5111–1 Renewal proposals.

(a) Where additional time, beyond the current expiration period, is required to continue or complete the work, the Contractor should submit six copies of a renewal proposal to the AEC field office that has administrative jurisdiction of the existing contract, not later than 3 months nor earlier than 6 months before the date of expiration of the contract.

(b) The renewal proposal should outline and justify a proposed program and budget for the succeeding year, showing in detail the estimated cost of the project, together with an indication of the items for which the Contractor is requesting AEC reimbursement or proportionate cost sharing, the percentage of

any such costs to be shared by the Contractor, and any items to be contributed solely by the Contractor (see § 9–4.56 for policy on cost sharing). It should include the same type of information as that required for initial proposals or reference this information to the extent contained in earlier proposals. Any contemplated change in program or scope for the ensuing period should be justified and explained clearly, and the cost estimates and other items should be based upon past experience. Any deviation from the contract during the current period requiring AEC approval as provided for in the contract, which has not received such AEC approval, should be explained in detail, and the AEC's right to approve or disapprove shall be the same as for a request timely made by the Contractor.

(c) The renewal proposal should include a financial statement of the work under the current contract, including:

(1) Total project costs for the current period to date, indicating the amount chargeable to the AEC;

(2) An estimate of the total costs to be incurred during the remainder of the current contract period, indicating the amount chargeable to the AEC;

(3) Under special research support agreements, the anticipated difference, if any, between the accumulated support cost at the end of the current contract period and the cumulative AEC support ceiling; and

(4) A footnote to show the estimated amount of outstanding commitments for property at the end of the current contract period.

§ 9–4.5111–2 Evaluation of requests for renewals.

(a) Requests for renewals are evaluated by the appropriate AEC Headquarters Program Division in the light of:

(1) Progress report submitted by the Contractor;

(2) Research results published in scientific media;

(3) Field visits to the research site by technical personnel;

(4) Contractor's performance; and

(5) Availability of funds and relative importance of projects in relation to other proposed research.

(b) Requests for renewals generally follow the same process of review and evaluation of technical aspects and funding, preparation, and execution of the contract, and administration as a new project, although less use would normally be made of outside consultants. Contracts authorized by AEC Headquarters Program Divisions shall not be extended for a new term or on an interim basis or modified in scope without specific prior authorization from the appropriate AEC Headquarters Program Division, except as provided in § 9–4.5111–3.

§ 9–4.5111–3 Authorization to renew.

(a) When a determination has been made to extend a contract, the sponsoring AEC Headquarters Program Division shall provide the appropriate AEC field office with an authorizing directive early enough (usually about 4 weeks in advance of expiration) to permit an orderly completion of the extension agreement before the expiration date. The authorizing directive should include generally the same type of information provided in the authorization of a new contract, including pertinent information concerning any changes in scope of work, level of funding, scheduled dates for completion of certain phases of work, target dates for submission of reports, etc.

(b) An authorization to renew a special research support agreement shall also state the estimated total cost of items to be included under Article A–II (a) of Appendix A for the renewal period, the percentage of such costs to be reimbursed by the AEC, and the amount of new funds authorized to increase the AEC support ceiling.

(c) The AEC field office that has administrative jurisdiction of an existing contract, may extend the term of an existing contract without authorization from the cognizant Headquarters Program Division, provided that:

(1) Any such extension does not provide for an increase in the AEC's monetary obligation under the contract;

(2) That the scope of work is not revised by such extension;

(3) That such extension is necessary to permit completion of the scope of work authorized by Headquarters, including preparation of required reports; and

(4) That any such extension will not be for a period in excess of 90 days.

§ 9–4.5112 Administration.

§ 9–4.5112–1 Responsibilities of AEC Headquarters Program Divisions.

(a) Technical representatives of AEC Headquarters Program Divisions will make, to the extent practicable, periodic site visits, at least once each year on larger projects, and no less than once every 3 years on smaller projects. A written summary of the results of all visits will be prepared and filed promptly upon return to AEC Headquarters. Copies of such reports shall be forwarded to the appropriate AEC field office whenever they contain information of administrative interest or other information that the AEC Headquarters Program Division determines is pertinent to the assigned responsibilities of the field office. These visits are for the purpose of:

(1) Determining that the research is being performed in accordance with the contract.

(2) Ascertaining that schedules are being met to insure timely submission of interim and final reports.

(3) Determining whether the project has adequate facilities, equipment, and scientific, technical, and other personnel for the specified research.

(4) Ascertaining that any equipment requested for purchase is not reasonably available within the institution.

(5) Assisting the principal investigator to clarify specific technical aspects as work progresses.

(6) Exploring future budget requirements, but without making any commitments either personal or on behalf of the AEC as to future funding level.

(7) Obtaining information regarding the status of work for administrative and technical purposes of the Program Division sponsor.

(b) AEC Headquarters Program Divisions will provide guidance to the AEC field offices in connection with:

(1) Any contractor requests for approval of proposed deviations or other actions requiring AEC approval which are brought to their attention by AEC field offices, or which have been brought to their attention through site visits, progress reports, or other contacts with the contractor;

(2) Increasing the obligational authority under any special research support agreement or cost-type contract;

(3) [Reserved]

(4) Whether or not required contractor reports are satisfactory; and

(5) The renewal or closeout of contracts; instructions in this regard should be provided at least 4 weeks prior to the expiration date of a contract.

§ 9–4.5112–2 Responsibilities of AEC Field Offices.

AEC Field Offices are responsible for the following:

(a) Assisting AEC Headquarters Program Divisions, as requested, in carrying out the functions set forth in § 9–4.5112–1.

(b) Performing the necessary administrative functions required by the terms of the contract, and making payments in accordance with the contract.

(c) [Reserved]

(d) Bringing to the attention of the appropriate AEC Headquarters Divisions:

(1) Any contractor requests for approval which are required by the contract;

(2) [Reserved]

(3) [Reserved]

(4) The upcoming expiration date of a contract whenever required instructions on renewal or closeout have not been received on a timely basis; and

(5) Any request by a contractor to revise an established stipulated salary support amount, and any notification by a contractor that it is reducing the charges to the AEC under the stipulated salary support procedure (see § 9–4.5106–3a (c)).

(e) Determining whether to use the Grant Act (Public Law 85–934) or the Atomic Energy Act of 1954, as amended, as the authority for vesting title to personal property in the contractor when authorized to do so pursuant to § 9–4.5106–6(c)(6). The Grant Act shall be used to the maximum extent consistent with the authority contained therein.

§ 9–4.5112–3 Payments under special research support agreements.

(a) Payments will be made to contractors under a special research support agreement in accordance with the contract provisions (see Article B–XI of § 9–16.5002–8). The letter of credit procedures, as provided for in Treasury

Fiscal Requirements Manual, Part VI, Section 1020, shall be used to the maximum extent feasible when the total of AEC contracts with advance financing at an institution provides for a continuing annual level of support of $250,000 or more. When the total AEC contracts with advance financing provides for an annual level of AEC support of less than $250,000, AEC shall make advance payments covering the first 90 percent of the amount of the new funds as set forth in Article A–III(b) of the contract. The field office may revise Article B–XI of § 9–16.5002–8, regarding the timing and amounts of advance payments, in accordance with the following provisions. The advance payments may be made at times and in amounts determined by the field office, provided that no single payment will exceed 45 percent of the new funds as set forth in Article A–III(b) of the contract for the pertinent contract period except on the basis of a request from the Contractor evidencing that a specified amount is required in connection with expenditures or commitments made under the contract. The timing and amounts of payments should be determined on the basis of limiting the amount of advances to the extent feasible consistent with effective and efficient contract administration and performance of the research, for the purpose of slowing the rate of cash withdrawals from the Treasury and thereby decreasing the financing costs to the Federal Government. In determining the timing and amounts of payments, consideration should be given to funds already available to the Contractor, the expected expenditures under the contract, any information from the Contractor regarding the need for funds, and the administrative cost of additional payments.

(b) If the contract is to be extended for an additional period of performance with additional funding, there may be paid at the time of execution of the extension the amount withheld from the expiring period which when added to the payments already made does not exceed the new funds set forth in A–III(b) for the expiring period. The final payment under both of the procedures referred to in paragraph (a) of this section shall be made on the basis of determinations by the contracting officer that: (1) The required reports are satisfactory; (2) that the research was performed in accordance with the provisions of the contract; (3) that an additional payment is required to reimburse for all costs chargeable to the AEC; and (4) that an appropriate patent clearance has been obtained. If necessary in making the determinations, the contracting officer should obtain advice from the technical personnel of the AEC Headquarters Program Division based upon their visits to and other contacts with the research project during the contract period as well as their technical review of the report. It is expected that the annual progress and final reports and the Contractor's certified cost statements will provide an adequate basis for making the determinations required by subparagraphs (2) and (3) of this paragraph. If the determinations cannot be made on the basis of a consideration of the reports, visits to and other contacts with the research project during the contract period, and the Contractor's certified statements, the contracting officer may invoke the audit provision of the contract. In the event the contracting officer determines that the Contractor has not satisfied the contractual undertakings, appropriate steps shall be taken to protect the Government's interests.

§ 9–4.5112–4 Payments under cost-type contracts.

Payments for allowable costs incurred under cost-type contracts will be made in accordance with the provisions of the contract. Payments will generally be made on the basis of after-the-fact reimbursement of contractor costs upon submission by the contractor of an appropriate monthly invoice or voucher. However, when the total of AEC contracts at an institution provide for a continuing annual level of support of $250,000 or more, the letter of credit procedure, as provided for in Treasury Fiscal Requirements Manual, Part IV, section 1020, shall be used to the maximum extent feasible.

§ 9–4.5112–5 AEC approval of deviations in performance and other specified actions.

(a) Contractors should inform the cognizant AEC field office as soon as possible of contemplated deviations and other proposed actions which require AEC approval. Specific deviations and actions under special research support agreements which require AEC approval include the following:

(1) A change of the principal investigator, co-investigator, or other key people as might be named in the contract or continuation of the research work for any one period in excess of 3 months without direction by an approved principal investigator. The principal investigator may increase or decrease the amount of effort which he devotes to the project without obtaining Commission approval; however, a representative of the institution shall consult with the appropriate AEC Headquarters program representative if the principal investigator plans to, or becomes aware that he will, devote substantially less effort to the work than anticipated in Article A–I. The purpose of such consultation will be to determine what effect, if any, the anticipated change will have on the research work and what modification to the contract, if any, may be appropriate.

(2) A change in the phenomenon or phenomena under study, i.e., broad category of the research under the contract, requires the specific written approval of the AEC; ordinarily, such changes, if approved by the AEC, will be accomplished through a new contract or a mutually agreed to modification. The contractor may change the specific objectives in the research work described in the contract, provided it gives the AEC prompt notification of such changes; and the contractor may continue to follow the new objectives while the AEC determines whether it wishes to continue the program under the changed approach. Significant changes in methods or procedures employed in performing the research should be reported in the first technical progress report issued subsequent to the changes.

(3) Acquisition of:

(i) An item of equipment not itemized in the contract, the cost of which is $1,000 or more. Approval is not required if the equipment is merely a different model of an item listed in the contract; or

(ii) An item or items of equipment the cost of which will cause the total equipment dollar level shown in Article A–II(a) of the contract to be in excess of 125 percent thereof. (If plant and capital equipment funds are provided for the acquisition of equipment, with title to be vested in the Government, the total cost of such shall not exceed the amount provided for such equipment unless prior AEC approval has been obtained.)

(4) Purchase of any general-purpose equipment, such as office furniture, air conditioning, etc., not specifically provided for in Appendix A of the contract.

(5) Incurring costs for items set forth in Article A–II(a), during the pertinent contract period stated in Appendix A, in excess of 110 percent of the total estimated cost specified in Article A–III. Charges to the AEC for any such costs incurred with approval of the AEC shall also be subject to the limitations of Article III.

(6) Any proposed foreign travel (defined as any travel outside of Canada and the United States and its territories and possessions).

(7) Expenditures for domestic travel in excess of $500, or 125 percent of the amount shown in Article A–II(a) for such travel, whichever is greater.

(8) Acquisition of excess personal property.

(9) Such other items as in the judgment of the Program Division or the field office, in specific cases need to be separately identified in the contract. (When plant and capital equipment funds are provided for the acquisition of Government property, the Headquarters Program Divisions may require, in specific cases, that such funds shall be used only for acquiring the equipment designated in the contract unless prior AEC approval has been obtained.)

(b) The AEC field office will present (in any manner considered appropriate) all such requests for approval to the cognizant AEC Headquarters Division for consideration, and will issue such authorizations and modifications under the contract as are necessary and appropriate.

(c) Contractors may be requested by the AEC field office to provide such statements of the project's financial and program status as are believed necessary for considering requests for approval.

(d) The above approval requirements and procedures shall apply to all special research support agreements for basic research with educational institutions.

The Program Division or the field office may include these specific approval requirements in cost-type contracts with educational institutions (§ 9–16.5002–9) to the extent necessary and appropriate. These approval requirements and procedures may also be included in contracts for applied research with educational institutions and for research with other not-for-profit organizations to the extent deemed appropriate by the cognizant AEC Headquarters Division and the AEC field office. In contracts for applied research, paragraph (b) of this section will generally be revised to require AEC prior approval of any change in the specific objectives of the research work.

§ 9–4.5112–6 Auditing.

(a) As a part of the AEC-wide management of the research program accomplished through these contracts, auditing of participating contractors should be carried out by the AEC field office administering the contract. The purpose of this program of audit, provision for which is contained in the contracts is to corroborate that the participating institutions are properly using the funds and personal property provided by the contracts and to point up any changes needed in the contractual arrangements or in related administrative requirements in order to further the effectiveness of the contracts in accomplishing their intended programmatic research purposes. In addition to the general objectives stated above, the principal specific objectives in the audits of special research support agreements should be to determine: (1) That the amounts as submitted in the contractor's certified statement are accurate and were incurred in connection with the contract work; (2) that satisfactory documentary evidence is available in support of the costs incurred; (3) that AEC approval was obtained where required; and (4) that the proportion of total cost charged to AEC is in accordance with the percentage stipulated in the contract. For cost-type contracts, on the other hand, the audit should include a verification by acceptable audit techniques, of the allowability, applicability, and reasonableness of the costs charged to the contract work.

(b) The review of special research support agreements will be made on a selective basis with the selected sample including all special research support agreements where the contracting officer requested that an audit be performed pursuant to the provisions of § 9–4.5112–3(b). The audit of cost-type contracts will be in accordance with the criteria set forth is section 2.024 of the AEC Audit Handbook.

(c) In the event of termination prior to the expiration date of a cost-type contract or special research support agreement unless the costs incurred by the contractor are relatively small or can be otherwise adequately corroborated, an audit should be made to determine the nature of the costs and other relevant data for use in arriving at a termination settlement.

(d) While audit is not a prerequisite to AEC's making payments under a contract, audit is necessary prior to making final payment under cost-type contracts and under any special research support agreement when the contracting officer specifically requests an audit to determine whether the charges to the contract are proper or when other conditions indicate that such an audit is warranted. If any such audits result in findings which may be of value to Headquarters Divisions in their determinations regarding selection and renewal of research projects, such findings should be made available to the cognizant Headquarters Division.

§ 9–4.5112–7 Security.

As a general rule, it is not anticipated that investigators will need access to classified information in the conduct of basic research supported or sponsored by the AEC. When, in the judgment of the principal investigator, information is developed which should be classified, he or the contracting institution will notify the appropriate AEC field office immediately. When in the opinion of the cognizant AEC Headquarters Program Division, the work moves into a classified area, prompt steps should be taken to notify the contractor and the appropriate AEC field office.

§ 9–4.5112–8 Patents.

Article B–VIII(d) of the special research support agreement set forth in § 9–16.5002–8 and Article B–7(d) of the cost-type contract set forth in § 9–16.5002–9 provide for exceptions to the requirement for inclusion of this article in subcontracts, if authorized by the Commission in writing. A letter of exception may be issued, upon request with respect to purchase orders for standard or normal facilities, equipment, materials, and supplies, and other purchase orders for products where the consideration does not include compensation or other allowance for research.

2. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–8, *Outline of special research support agreement with educational institutions,* is revised as follows:

Subpart 9–16.50—Contract Outlines

§ 9–16.5002–8 Outline of special research support agreement with educational institutions.

Contract No. ------

This agreement is effective as of the ------, 19--, between the United States of America (hereinafter referred to as the "Government"), acting through the U.S. Atomic Energy Commission (hereinafter referred to as the "Commission"), and ---------- (hereinafter referred to as the "Contractor").

RECITALS

The Commission wishes to have the Contractor perform certain research. This agreement states the terms and conditions under which the Contractor agrees to perform the work.

This agreement is authorized by law, including the Atomic Energy Act of 1954, as amended.

AGREEMENT

Now therefore, the parties hereto agree as follows:

ARTICLE I—THE RESEARCH TO BE PERFORMED

(a) The Contractor shall, to the best of its ability, furnish personnel, facilities, equipment, materials, supplies, and services, except such as are furnished by the Government, necessary for the performance of the research provided for in Appendix A and shall perform the research and report thereon pursuant to the provisions of this contract. It is understood that Appendix A, a guide to the performance of this contract, may be deviated from by the Contractor subject to the specific requirements of this contract.

(b) This work shall be conducted under the direction of ---------- or such other member of the Contractor's staff as may be mutually satisfactory to the parties.

NOTE A.—The description of the research in Appendix A may be omitted and Appendix A appropriately modified to incorporate, by pertinent references to the proposal or other documents, the type of data necessary to describe the research as called for by Appendix A; and where there is no cost sharing, other features may be referenced in lieu of insertion in Appendix A. In such cases, the referenced material will be retained as part of the permanent contract file.

ARTICLE II—THE PERIOD FOR PERFORMANCE

The period of performance under this contract shall commence on ------ 19-- and expire on ------ 19--. Performance may be extended for additional periods by the mutual written agreement of the parties. It is presently expected that this contract will be extended by mutual agreement until ------ 19--.[1]

ARTICLE III—CONSIDERATION

(a) In full consideration of the Contractor's performance hereunder, the Commission shall furnish the equipment, supplies, materials, and services, if any, listed in Article A–II(b)(2) and pay the Contractor the sum of $---------, hereinafter called the "Support Ceiling" which sum shall be subject to adjustment as hereinafter provided.

(b) Payments to the Contractor shall equal the "Cumulative Support Cost" of performance of this contract, as the term "Cumulative Support Cost" is defined in Article B–XXIX:[2] *Provided, however,* And

[1] This sentence is optional and may be omitted.

[2] The term cumulative support cost refers to the cost of items under A–II(a) of Appendix A, for the initial contract period plus any extension periods, that may be properly chargeable to the AEC. If proportionate cost sharing is involved, the support cost is the AEC's share of such costs, and it does not include the cost of items excluded from Article A–II(a), such as items to be contributed solely by the Contractor or property to be furnished by the Government. Charges to the AEC will be reported after the conclusion of each contract period set forth in Appendix A (generally an annual period); in addition to the limitations on charges to the AEC provided for by this Article III, charges to the AEC for a specified contract period may not exceed 110 percent of the estimated support cost for that contract period except as approved by the AEC (see Article B–XXX). The estimated support cost for each pertinent period of contract performance will be set forth in Article A–III. If Article A–III of Appendix A provides that the cost of the items listed under Article A–II(a) is to be proportionately shared by the parties, the charges to the AEC shall be determined by applying the AEC's sharing percentage set forth in Article A–III to the cost for items under Article A–II(a) incurred during the specified contract period; such charges to the AEC shall also be subject to the 110 percent limitation mentioned above as well as to the provisions of this Article III.

notwithstanding any other provision of this contract, that the Government's monetary liability under this contract shall not exceed the support ceiling specified in (a) above. The Commission shall not pay more than the support ceiling or an amount equal to the cumulative support cost, whichever is less. The Contractor shall be obligated to perform under this contract throughout the agreed-upon period of performance, and to bear all costs which the Commission has not agreed to pay: *Provided, however,* That the Contractor shall have the right to cease to perform the research provided for in this contract, upon written notice to the Commission to that effect, at any time, when or after the cumulative support cost equals or exceeds the support ceiling.

(c) The support ceiling specified in (a) above may be increased unilaterally by the Commission by written notice to the Contractor and may be increased or decreased by written agreement of the parties (whether or not by formal modification to this contract). In the event the stated period of contract performance is extended, the support ceiling will be revised to reflect any increased Commission support for the extended period or periods.

(d) Upon termination, or expiration of the total period of performance, the Contractor shall promptly refund to the Commission (or make such disposition as the Commission may in writing direct) any sums paid by the Commission to the Contractor under this contract, through direct payment or under letter of credit, in excess of the cumulative support cost incurred in performance under the contract.

ARTICLE IV—GOVERNMENT PROPERTY

The following items of property procured or fabricated by the Contractor are hereby listed as "Government Property." [List all property and equipment, title to which is to remain in the Government. Insert the word "none" if title to all of the property is to be vested in the Contractor: If title to property procured or fabricated by the Contractor is to remain in the Government, add appropriate provisions for payment for such property from plant and equipment funds. Such funds should be in addition to, and not a part of, the "Support Ceiling" funds provided under Article III.]

ARTICLE V—APPENDICES

Appendix A, Appendix B—General Provisions and Appendix C—Statement of Costs, are hereby attached to and made a part of this contract.

In witness whereof, the parties have executed this contract.

UNITED STATES OF AMERICA
By _____
_____
(Title)

UNITED STATES ATOMIC ENERGY COMMISSION
_____
(Contractor)
By _____
(Title)
_____

I, _____, certify that I
(Attester)
am the _____ of the
(Title)
Contractor named under this contract; that _____ who signed this
(Signatory)
contract on behalf of said Contractor was then _____ of said Con-
(Title)
tractor; that this contract was duly signed for and on behalf of said Contractor by authority of its governing body and is within the scope of its legal powers.

In witness whereof, I have hereunto affixed my hand and the seal of said Contractor.

[SEAL] _____
Contractor _____
Contract No._____

APPENDIX A

Contractor _____
Contract Number _____

For the contract period _____ through _____.

Article A–I. *Research to be performed by Contractor.* [Insert description of research activity and state the approximate percentage of time or effort which the principal investigator(s) expects to devote to the work.]

Article A–II. *Ways and means of performance.* [The listing under (a), (b), and (c) below should be in a form to permit determination of which items of cost are to be chargeable to AEC or proportionately shared, and which items are to be contributed solely by the contractor or solely by the AEC; the listing should also permit application of the approval requirements of the contract. Excessive detail in listing should be avoided.]

(a) Items for which support will be provided as indicated in A–III, below. [Do not include in this paragraph (a) any items which are to be contributed solely by the Contractor, see § 9–4.5107–2(c).]

(1) *Salaries and wages.* [State total dollar amount. If any stipulated salary support amounts for professional staff members are established in accordance with § 9–4.5106–3a, the stipulated amounts, along with any limitations or requirements on the use of such stipulated amounts (see § 9–4.5106–3a(c)) should be provided for in the contract.]

(2) *Equipment to be purchased or fabricated by the Contractor.* [List equipment to be purchased or fabricated by the Contractor and for which title is to remain in the Contractor and state the total dollar amount budgeted for such equipment. Such equipment may be set forth in general classifications as specifically as possible if it is not feasible to list them individually. However, any individual piece of equipment, the estimated cost of which is over $1,000 will be separately identified. Except where the contract may otherwise specifically provide, equipment for the purpose of this paragraph A–II shall mean an item of personal property having a useful life expectancy in excess of 1 year and an acquisition cost in excess of $200.]

(3) *Travel.* (Show amounts for both foreign and domestic. If none, state none.)

Domestic _____

Foreign _____

(4) Other direct costs.

(5) Indirect costs based on a predetermined rate of _____ percent. [Show factor or factors of cost to which rate applies—generally direct salaries and wages.]

(b) Items, if any, significant to the performance of this contract, but excluded from computation of Support Cost and from consideration in proportioning costs. (See § 9–4.5107–2(c).)

(1) *Items to be contributed by the Contractor.* In accordance with Article B–II(c), if a proposed Contractor contribution is included in this paragraph (b)(1), the Contractor shall maintain records adequate to permit the Commission to determine the extent of the contribution. If the time or effort of the principal investigator(s) is to be contributed by the Contractor and excluded from A–II(a) and A–II(b), the contributed time or effort should be listed under A–II(c).

(2) *Items to be contributed by the Government.*

(c) Time or effort of principal investigator(s) contributed by Contractor but excluded from computation of Support Cost and from consideration in proportioning costs. [Where covered under A–II(a) or A–II (b)(1) above, state: "None." See § 9–4.5107–2(d).]

Article A–III. The total estimated cost of items under A–II(a) above for the contract period stated in this Appendix A is $_____; the Commission will pay _____ percent of the actual costs of these items incurred during the contract period stated in this Appendix A, subject to the provisions of Article III and Article B–XXIX. The estimated AEC support cost for the contract period stated in this Appendix A is $_____.

The estimated AEC Support Cost is funded as follows:

(a) Estimated unexpended balance from the prior period(s) $_____

(b) New funds for the current period _____ $_____

The new funds being added in A–III(b) constitute the basis for advance payments provided under Article B–XI.

APPENDIX B—GENERAL PROVISIONS

For the contract period _____ through _____.

ARTICLE B–I—DEFINITIONS

(a) The term "Commission" means the U.S. Atomic Energy Commission or any duly authorized representative thereof, including the Contracting Officer except for the purpose of deciding an appeal under the article entitled "Disputes."

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government and includes his successors or any duly authorized representative of any such person.

(c) Except as otherwise provided in this contract, the term "subcontracts" includes purchase orders under this contract.

ARTICLE B–II—INSPECTION, REPORTS, RECORDS, AND ACCOUNTS [1]

(a) The Commission shall have the right to inspect, in such manner and at all reasonable times as it deems appropriate, all activities of the Contractor arising in the course of its undertakings under this contract.

(b) The Contractor shall make progress and other reports in such manner and at such times as specified in Article B–XXI. The Contractor shall also make such other reports to the Commission, with respect to its activities under this contract, as the Commission may reasonably require from time to time.

(c) The Contractor agrees to keep records and books of account, in accordance with generally accepted accounting principles and practices, and consistent with the requirements of OMB Circular No. A–21, revised, as constituted on the effective commencement date of the contract period, covering its costs and expenditures for items included under Article A–II(a) of Appendix A and which are in furtherance of the research work under this contract. In the event a Contractor contribution is listed in Article A–II(b), the Contractor shall maintain records adequate to permit the Commission to determine the extent of the contribution. If professional staff members are

[1] If the contract is for a not-for-profit organization other than an educational institution or a research foundation established by an educational institution, this article should be revised to provide that AEC's commercial cost principles (AECPR Part 9–15) will be used in determining actual cost.

included under Article A–II(b), the Contractor shall maintain records on such personnel in accordance with the payroll distribution procedure of section J.7.b. of OMB Circular No. A–21, revised.

(d) The Commission shall at all reasonable times be afforded access to the premises and to these books and records and to related correspondence, receipts, vouchers, memoranda, and other data of the Contractor; and the Contractor shall preserve such books and papers, without additional compensation therefor, in accordance with the retention requirements referenced in Article B–XVIII, Examination of Records of this Contract.

ARTICLE B–III—PUBLICATION OF RESULTS

(a) Research results obtained under this contract shall be made available to all through normal and accepted channels without restriction except that no restricted data as defined in the Atomic Energy Act of 1954, as amended, or other classified information shall be disclosed to unauthorized persons. Published results shall indicate that the research was supported by the Commission. A copy of each article submitted by the Contractor for publication shall be promptly sent to the Commission. The Contractor shall also inform the Commission when the article is published and furnish _____ copies of the article as finally published.

NOTE: In determining the numbers of copies to be required, reference should be made to § 9–4.5109–8.

(b) It is recognized that during the course of the work hereunder or subsequent thereto, the Contractor, its employees, or its subcontractors, may from time to time desire to publish, within the limit of security requirements, information regarding technical or scientific developments arising in the course of the contract. In order that public disclosure of such information will not adversely affect the patent interest of the Commission, patent approval for release shall be secured from the Commission prior to any such publication.

(In contracts for Theoretical Physics, High Energy Physics, Medium Energy and Neutron Physics, Mathematics, Computer Techniques and Programing, Medical Studies, Biological Studies, Ecological Studies, Meteorology, Solid-State Physics, Geology, Radiation Effects, Theoretical Chemistry, Analytical Chemistry, Crystal Structure, Spectroscopy, Thermodynamics, Chemical Kinetics, Hazards Evaluation, Liquid-State Studies, Cryogenics, Environmental Stream Pollution, and Site Selection, the following provision may be substituted for the last sentence of Article B–III.)

"In order that public disclosure of such information will not adversely affect the patent interest of the Commission, such information shall be withheld from public disclosure if it discloses an invention or discovery; such invention or discovery shall be promptly reported to the Commission for patent review and possible filing of a patent application, and such information shall thereafter be withheld from public disclosure for a period of 4 months unless the Commission approves earlier release."

ARTICLE B–IV—DISCLOSURE OF INFORMATION

Insert § 9–7.5004–22.

ARTICLE B–V—RESPONSIBILITY FOR THE WORK

(a) The Contractor is solely responsible for the conduct of the work.

(b) In instances where the carrying out of the contract work involves a Commission license, the provisions of the pertinent license shall prevail over any inconsistent provisions of this contract.

ARTICLE B–VI—FELLOWSHIPS

The Contractor agrees that, unless the Commission shall give its prior written approval, the Contractor shall not use any of the funds provided by the Commission under this contract to pay the stipend of any appointment for which commensurate services are not rendered under this contract or to pay any part of the stipend of a fellowship of any kind.

ARTICLE B–VII—WRITTEN MATERIAL

(a) The Contractor hereby grants to the Government a royalty-free, nonexclusive, irrevocable license to reproduce, translate, publish, use and dispose of, and to authorize others to do so, all copyrightable material produced or composed or delivered to the Government or its designees under this contract, including work not first produced or composed by the Contractor in the course of performance under this contract but incorporated in the material produced or composed or delivered under this contract (but only to the extent that the Contractor now has, or prior to final settlement of the contract may have, the right to grant such license to such previously produced or composed work without becoming liable to pay compensation to others solely because of such grant).

(b) The Contractor agrees that except as the Commission may otherwise specifically authorize in writing, the Contractor will not include in any report or other material delivered under this contract, or in any published material relating to the work under this contract, any copyrighted material owned by others which such owners have not consented to have so included.

(c) The Commission will not publish in advance of the Contractor's publication without prior consultation with the Contractor.

ARTICLE B–VIII—PATENTS

Insert § 9–9.5003 modified by deleting paragraphs (d) and (e) and substituting therefor the following paragraph (d):

"(d) Except as otherwise authorized in writing by the Commission, the Contractor will insert in all subcontracts and purchase orders other than purchase orders for standard commercial items, provisions making this article applicable to the subcontract or purchase order. Except as otherwise authorized in writing by the Commission, the Contractor will insert in purchase orders for standard commercial items a provision indemnifying the Government against liability for use of any invention or discovery and for the infringement of any Letters Patent arising by reason of the purchase, use, or disposal by or for the account of the Government of items manufactured or supplied under the purchase order."

ARTICLE B–IX—PROPERTY ITEMS

(a) Except as otherwise provided in this paragraph (a) and paragraph (b) of this Article B–IX, title to all material, supplies, and equipment purchased or otherwise acquired by the Contractor in the performance of its research activities shall be and remain in the Contractor. Said materials, supplies, and equipment shall be used for the benefit of research under this contract and any extensions or successor contracts hereto: *And provided*, There is no interference with said research, shall be made available for use by investigators working on any Federal research agreement at the same location. Subject to these priorities, the materials, supplies, and equipment may be used as the Contractor wishes. Except as otherwise agreed in writing, title to any items of property listed as "Government property" shall pass directly to the Government; such property shall be subject to paragraphs (b), (c), (d), (e), and (f) of this Article B–IX.

(b) Subject to the mutual agreement of the Commission and the Contractor, the Government may furnish the Contractor items of equipment, materials, supplies, or facilities for use by the Contractor in the performance of the contract work; title to these items shall remain in the Government unless otherwise agreed in writing. Such items of property and the items of property listed elsewhere in this contract as Government property, are hereinafter referred to as "Government property." Title to Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government nor shall any such property, or any part thereof, be or become a fixture or lose its identity as personality by reason of affixation to any realty.

(c) To the extent practicable, the Contractor shall cause all items of Government property to be suitably marked with an identifying mark or symbol indicating that the items are the property of the Government. The Contractor shall maintain, at all times and in a manner satisfactory to the Commission, records showing the use and disposition of Government property. Such records shall be subject to Commission inspection at all reasonable times and the Commission shall at all reasonable times have access to the premises wherein any items of Government property are located. Unless otherwise authorized in writing by the Commission, the Contractor shall use Government property only for the purposes of this contract: *Provided, however*, That the Contractor is hereby authorized to use items of equipment constituting Government property for other Federal research agreements to the extent such use: (1) Does not interfere with its work under this contract; (2) is not prohibited by provisions of the other Federal agreements; and (3) is promptly reported by the Contractor to the Commission under this contract.

(d) The Contractor shall promptly notify the Commission of any loss or destruction of or damage to Government property. It is understood that the Contractor shall not be liable for any such loss, destruction, or damage, unless same results from willful misconduct or lack of good faith on the part of any corporate officer of the Contractor, or of one or more of the Contractor's representatives having supervision or direction of all or substantially all of the activities under this contract. If the Contractor is liable for any such loss, destruction, or damage, it shall promptly account therefor to the satisfaction of the Commission; if the Contractor is not liable therefor, and is indemnified, reimbursed, or otherwise compensated for such loss, destruction, or damage, it shall promptly account therefor to the satisfaction of the Commission.

(e) With the written approval of the Commission, the Contractor may sell, transfer, or otherwise dispose of items of Government property to such parties and upon such terms as so approved, or itself acquire title to items of Government property upon such terms as may mutually be agreed upon in writing by the Contractor and the Commission. The proceeds of any such disposition, and any agreed price of any such Contractor acquisition, shall be paid by the Contractor to the Government, or credited on account of Commission payments to be made under this contract, as the Commission may direct. Subject to the other provisions of this contract, the Contractor shall deliver Government property to the Commission upon request (suitably packed and shipped at the Government's expense).

(f) The Contractor shall utilize for the benefit of the work under this contract such items of property available to the Contractor by reason of its activities under other Federal research agreements as are appropriate for utilization under this contract pursuant to the provisions of the pertinent Federal agreements.

ARTICLE B–X—TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

Insert FPR 1–8.704–1.

ARTICLE B–XI—PAYMENTS

(a) The Commission shall make payments to the Contractor with respect to the amount of consideration prescribed in Article III of this contract as follows:

(1) A maximum of 45 percent of the new funds as set forth in Article A–III(b) of this contract following execution of this contract (and following the effectuation of each extended period).

(2) A maximum of an additional 45 percent of the new funds as set forth in Article A–III(b) of this contract upon receipt of a request or requests from the Contractor evidencing that the amount requested is then required in connection with the work under the contract.

NOTE: Subparagraphs (1) and (2) of this paragraph (a) may be revised, as deemed appropriate by the field office, in accordance with § 9–4.5112–3(a).

(3) If, following submission of an annual progress report, the contract is to be extended for an additional period of performance, an additional payment may be made at the time of execution of the extension which, when added to the payments already made under (1) and (2) above for the expiring period, will not exceed the new funds set forth in Article A–III(b) for the expiring period; a concluding payment for the pertinent period, if appropriate, may be made following submission of a certified statement showing the AEC support cost and evidencing the Contractor's performance under the contract.

(4) If the contract is not to be extended, the final payment of the consideration provided for in Article III of this contract shall be made following submission by the Contractor of a final report required by Article B–XXI, in form and content satisfactory to the Commission, and submission of a certified statement showing the AEC support cost and evidencing the Contractor's performance under the contract and compliance by the Contractor with the patent provisions of this contract.

(b) The payments made pursuant to paragraph (a) above shall not prejudice or otherwise affect adversely any of the Government's rights under the contract. For purposes of settlement in the event of termination pursuant to Article B–X hereof, these payments shall not be construed as evidentiary, and any excess payment in the light of Article B–X shall be promptly returned to the Commission.

(c) The Commission, at its option, may invoke the following with respect to any amount of the contract consideration remaining to be paid at any given time:

(1) The Commission shall issue a letter of credit as provided for by Treasury Fiscal Requirements Manual, Part VI, section 1020, under which payments to the Contractor with respect to the amount of consideration provided for in Article III of this contract will be made. The Contractor agrees that the first ninety (90) percent of the new funds as set forth in Article A–III(b) of the contract will be under the letter of credit and will be subject to the submission by the Contractor of a Payment Voucher on Letter of Credit (TUS 5401), in accordance with procedures based upon Treasury Fiscal Requirements Manual, Part VI, section 1020, which are agreed to by the parties. Following submission by the Contractor of a final report provided for in Article B–XXI, in form and content satisfactory to the Commission, and submission of a certified statement showing the total expenditures and evidencing the Contractor's performance under the contract, and upon submission by the Contractor to the Commission of such invoices or vouchers as are satisfactory to the Commission, the Commission shall pay the Contractor the concluding payment of the consideration provided for in Article III of this contract, or said concluding payment will be included under the letter of credit and will be subject to submission by the Contractor of a payment voucher on letter of credit, in accordance with the procedure described above. If, following submission of an annual report, the contract is extended for an additional period of performance, and additional payment may similarly be made at the time of execution of the extension which, when added to the payments already made for the expiring period, will not exceed the new funds as set forth in Article A–III(b) for the expiring period; a concluding payment for the pertinent period, if appropriate, may be made following submission of a certified statement showing the AEC support cost for the pertinent period and evidencing the Contractor's performance under the contract.

(2) The Commission reserves the right to increase, decrease, or cancel the amount covered by the letter of credit, provided that such action is required because of a change in the amount of consideration provided for in Article III or is taken pursuant to paragraph (c)(1) of this article. The issuance and use of a letter of credit and receipt of funds pursuant thereto shall not prejudice or otherwise adversely affect any of the Government's rights under the contract.

ARTICLE B–XII—EQUAL OPPORTUNITY

Insert FPR 1–12.803–2.

ARTICLE B–XIII—CONVICT LABOR

Insert FPR 1–12.203.

ARTICLE B–XIV—CONTRACT WORK HOURS STANDARDS ACT—OVERTIME COMPENSATION

Insert Article set forth in FPR 1–12.303.

ARTICLE B–XV—DISPUTES

Insert FPR 1–7.101–12, modified by substituting "Commission" for "Secretary." (See § 9–7.5004–3.)

ARTICLE B–XVI—OFFICIALS NOT TO BENEFIT

Insert FPR 1–7.101–19.

ARTICLE B–XVII—COVENANT AGAINST CONTINGENT FEES

Insert FPR 1–1.503.

ARTICLE B–XVIII—EXAMINATION OF RECORDS

Insert § 9–7.5004–10.

ARTICLE B–XIX—BUY AMERICAN ACT

Insert FPR 1–7.101–14, modified in accordance with § 9–7.5004–16.

ARTICLE B–XX—ASSIGNMENT; SUBCONTRACTING

Neither this contract nor any interest therein nor claim thereunder shall be assigned or transferred by the Contractor, except as expressly authorized in writing by the Commission. The Contractor shall not subcontract any research or development work under this contract, except as expressly authorized in writing by the Commission.

ARTICLE B–XXI—REPORTS AND RENEWAL PROPOSALS

The Contractor shall furnish six (6) copies of the following reports and renewal proposals, if any, addressed to appropriate field office.

(a) *Progress report.* The progress report shall briefly describe the scope of investigations undertaken and the significant results obtained. It shall also indicate compliance with the contract requirements and any failures to comply. The report shall indicate the approximate percentage of time or effort which the principal investigator(s) has devoted to the project since the beginning of the current term of the agreement and indicate the amount of effort which is expected to be devoted during the remainder of the current term. Technical reports, preprints, and articles prepared for publication shall be listed with bibliographic references. Reprints of all such material not previously submitted shall be appended and material contained therein need not be duplicated in the report. Progress reports shall be submitted approximately 3 months in advance of the expiration of the current contract term and shall give the Contractor's best estimate of the probable events and occurrences in regard to the remainder of the current contract term. Except as the Commission may otherwise request, no further progress report will be required for any contract year unless there has been a significant change in scientific results or contract compliance between the latest progress report by the Contractor and its actual experience; this shall be reported promptly.

(b) *Final report.* Upon termination or expiration of the total period of performance, the contractor shall submit, promptly, a summary of its activities for the entire period, including a list of publications issued during the total term of the contract and copies of any reprints not previously submitted, as well as a comprehensive evaluation of progress in the area of research supported by the contract.

(c) *Renewal proposals.* A renewal proposal, if any, shall be submitted along with the technical progress report, and each of the two documents shall be separately bound.

(d) *Report of equipment purchased or fabricated.* The Contractor shall itemize equipment having a useful life expectancy in excess of 1 year and an acquisition cost in excess of $200 purchased or fabricated by the Contractor when title to such equipment is vested in the Contractor pursuant to the Grant Act (Public Law 85–934)—omit any items appearing in Article IV and submit a report thereof within 3 months after the expiration of the contract year specified in Article II. Where the cost of individual pieces of equipment exceeds $1,000, they will be listed individually. Where individual items cost $200 to $1,000, they will also be individually listed to the extent practical or grouped in general categories, such as "electronic equipment" or "six motors," with the total dollar amount of such category. The cost of purchased items shall be determined by the actual invoice cost of such items, but the cost of fabricated items may be established by engineering estimates. This report may be submitted in conjunction with the certified statement required by Article B–XXIX of this contract.

ARTICLE B–XXII—FOREIGN TRAVEL

Foreign travel shall be subject to the prior approval of the contracting officer for each separate trip regardless of whether funds for such travel are contained in an approved budget. Foreign travel is defined as any travel outside of Canada and the United States and its territories and possessions.

ARTICLE B–XXIII—PRIORITIES, ALLOCATIONS, AND ALLOTMENTS

Insert § 9–7.5006–52.

ARTICLE B–XXIV—UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS

Insert the clause set forth in FPR 1–1.805–3(a) under the conditions and in the manner prescribed in that section.

ARTICLE B–XXV—UTILIZATION OF SMALL BUSINESS CONCERNS

Insert the clause set forth in FPR 1–1.710–3(a) under the conditions and in the manner prescribed in that section.

ARTICLE B–XXVI—UTILIZATION OF MINORITY BUSINESS ENTERPRISES

Insert the clause set forth in FPR 1–1.1310–2(a) under the conditions and in the manner prescribed in that section.

ARTICLE B–XXVII—SOVIET-BLOC CONTROLS

Insert the clause set forth in § 9–7.5006–53.

ARTICLE B–XXVIII—LIST OF EMPLOYMENT OPENINGS

Insert the clause set forth in FPR 1–12.1102–2.

ARTICLE B–XXIX—DETERMINATION OF SUPPORT COSTS [1]

(a) The term "support cost" as used in this contract means the Commission's share [2] of the sum of costs incurred by the Contractor for items included under Article A–II(a) of Appendix A which are in furtherance of the work hereunder, which are incurred in accordance with the provisions of this contract, and which are reported to the AEC in accordance with (b) below. The term "cumulative support cost" as used in this contract means the total of the support cost incurred during the initial contract period plus any extension periods of the contract.

(b) Within 3 months after the end of each contract period set forth in Appendix A, and within 3 months after the termination or expiration of the total period of performance, the Contractor shall furnish a certified statement, executed by an official of the Contractor showing the Contractor's cost, and evidencing its performance under the contract, during the contract term just completed. The statement shall show all costs incurred during the pertinent contract term set forth in Appendix A for items under Article A–II(a) of Appendix A, including the Contractor's share, if any, of such costs, and show the extent of the Contractor's contribution of items listed under Article A–II (b)(1) of Appendix A. Costs included in the certified statement may include the following: Expenditures of cash; the cost of material and supplies transferred from stores inventory; and the amount due the Contractor for indirect costs in accordance with the rate and factor or factors shown in Appendix A of the contract for the pertinent contract period. The costs for the pertinent contract period shall be consistent with the principles of OMB Circular No. A–21, revised, as constituted on the effective commencement date of said period. The certified statement shall be in the form set forth in Appendix C.

(c) The certified statement should be in agreement with the institution's financial records and shall reflect only expenditures actually made during the period covered, including transfers from inventory. It shall not include commitments, as a part of such expenditures, for goods or services on order, but not received or those received but not paid for unless the Contractor is operating under an established and consistently applied system of accrual accounting. If this is the case, the certified statement shall be so footnoted. A combination of accrual and cash accounting for cost accumulation and reporting purposes shall not be used. The renewal proposal budget should be footnoted to show the estimated amount of outstanding commitments for property at the end of the current contract period. The certified statement contains a space in which should be inserted the actual amount of outstanding commitments for property at the end of the period covered by the statement. This commitment amount is for information only and is not a part of the expenditure calculation. The Contractor understands that the Commission expects to rely on this certified statement for determining the support cost for the pertinent contract period. With respect to any period in which proportionate cost sharing is applicable, the support cost for the pertinent period will be determined by applying the percentage figure included in Article A–III for the pertinent period, to the certified cost of items included under Article A–II(a) incurred during the pertinent contract period. All charges to the AEC shall be subject to the approval requirements of this contract. The Contractor is expected to maintain auditable records as contemplated by Article B–II(c) to substantiate the costs incurred for items under Article A–II(a) and to show the extent of the Contractor's contribution of items listed under Article A–II(b)(1).

ARTICLE B–XXX—ADDITIONAL APPROVALS

(a) In addition to such approvals as are specifically required by other provisions of this contract, the Contractor shall obtain the Commission's approval for:

(1) A change of the principal investigator, co-investigator, or other key people as might be named in this contract or continuation of the research work for any one period in excess of 3 months without direction by an approved principal investigator. The principal investigator may increase or decrease the amount of effort which he devotes to the project without obtaining Commission approval; however, a representative of the institution shall consult with the appropriate AEC Headquarters program representative if the principal investigator plans to, or becomes aware that he will devote substantially less effort to the work than anticipated in Article A–I. The purpose of such consultation will be to determine what effect, if any, the anticipated change will have on the research work and what modification to the contract, if any, may be appropriate.

(2) No change in the phenomenon or phenomena under study; i.e., broad category of the research under the contract shall be made without the specific written approval of the AEC; ordinarily, such changes, if approved by the AEC, will be accomplished through a new contract or a mutually agreed to modification. The Contractor may change the specific objectives in the research work described in the contract: *Provided*, It gives the AEC prompt notification of such changes; and the Contractor may continue to follow the new objectives while the Commission determines whether it wishes to continue the program under the changed approach. Significant changes in methods or procedures employed in performing the research should be reported in the first technical progress report issued subsequent to the changes.

(3) Acquisition of:

(i) An item of equipment not itemized in Appendix A, the cost of which is $1,000 or more. Approval is not required if the equipment is merely a different model of an item listed in Appendix A; or

(ii) An item or items of equipment the cost of which will cause the total equipment dollar level shown in Article A–II(a) of the contract to be in excess of 125 percent thereof (if plant and capital equipment funds are provided for the acquisition of equipment with title to be vested in the Government, the total cost of such shall not exceed the amount provided for such equipment unless prior AEC approval has been obtained).

(4) Purchase of any general-purpose equipment, such as office furniture, air conditioning, etc., not specifically provided for in Appendix A.

(5) Incurring costs for items set forth in Article A–II(a), during the pertinent contract period stated in Appendix A, in excess of 110 percent of the total estimated cost specified in Article A–III. Charges to the Commission for any such costs incurred with the approval of the Commission shall also be subject to the limitations of Article III.

(6) Any proposed foreign travel (see Article B–XXII).

(7) Expenditures for domestic travel in excess of $500, or 125 percent of the amount shown in Article A–II(a) for such travel, whichever is greater.

(8) Acquisition of excess personal property.

APPENDIX C

U.S. ATOMIC ENERGY COMMISSION

STATEMENT OF COSTS

1. Name and address of Contractor: _____

_____

2. Contract number: _____

3. Beginning and ending date of pertinent contract period: _____

_____

4. Costs incurred during the pertinent contract period. [List only those costs which are to be reimbursed by the AEC or proportionately shared by the parties in accordance with Article A–II(a) and Article A–III.]

Cost categories [1]	*Amount*
a. Salaries and wages	$_____
b. Equipment	_____
[List separately the cost of each piece of equipment separately listed in Appendix A to the contract or for which separate approval was obtained from AEC.]	
c. Travel [show amounts for both foreign and domestic. If none, state none.]	$_____
Domestic	_____
Foreign	_____
d. Other direct costs	_____
e. Total direct expenditures	_____
f. Indirect charges	$_____
[Indicate percent and expenditures to which percent is applied.]	
5. Total costs for items under Article A–II(a) for pertinent contract period	_____

[1] If the contract is for a not-for-profit organization other than an educational institution or a research foundation established by an educational institution, this article should be revised to provide that the AEC's commercial cost principles (AECPR Part 9–15) will be used in determining actual cost.

[2] In those cases in which there is no proportionate sharing of costs, the Commission's "share" will be 100 percent. With respect to any period in which proportionate cost sharing is applicable pursuant to Article A–III, it is understood that the support cost for that specified period will equal the stipulated percent of the sum of costs incurred by the Contractor during the stated period for items under A–II(a) of Appendix A, not to exceed 110 percent of the estimated support cost set forth in Article A–III for that contract period except as otherwise approved by the AEC.

[1] The listing of categories should be consistent with the itemization in Appendix A.

6. Support cost for the pertinent contract period set forth in Appendix A, as defined in Article B–XXIX of the contract, chargeable to AEC for the pertinent contract period (percent of total costs using percent shown in Article A–III of Appendix A for pertinent period of contract_____ _____

7. Cumulative support cost (support cost under this statement plus support cost for previous periods of the contract)___ _____

8. Accumulated support ceiling in Article III of the contract____ $_____

9. The difference between lines 7 and 8_____ _____

10. Provide information regarding contributions by the Contractor of items listed in Article A–II(b) of Appendix A during pertinent contract period. State the extent of the Contractor's actual contribution, the measure of such contributions should be in the same terms as the Contractor's commitment under Article A–II(b), e.g., time, dollar, etc. _____ _____

11. Actual outstanding commitments for property at the end of the period covered by this statement _____ _____

I hereby certify that this report is true and correct to the best of my knowledge and belief and that the costs listed herein were incurred in connection with the performance of the research provided for under this contract and in accordance with the terms and conditions set forth therein.

_____
(Name and Title of an authorized representative)

_____ _____
(Signature) (Date)

3. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–9, *Outline of cost-type contract for research and development with educational institutions,* is revised as follows:

§ 9–16.5002–9 Outline of cost-type contract for research and development with educational institutions.

Contract No. _____

This contract is effective as of the ____ day of _____, 19__, by and between the United States of America (hereinafter referred to as the "Government") as represented by the U.S. Atomic Energy Commission (hereinafter referred to as the "Commission"), and _____ (hereinafter referred to as the "Contractor").

RECITALS

The Commission wishes to have the Contractor perform certain research. This contract states the terms and conditions under which the Contractor agrees to perform the work.

This contract is authorized by law, including the Atomic Energy Act of 1954, as amended. [Additional recitals may be added as appropriate.]

AGREEMENT

Now, therefore, the parties hereto agree as follows:

ARTICLE I—THE RESEARCH TO BE PERFORMED

The Contractor shall to the best of its ability furnish personnel, facilities, equipment, materials, supplies, and services (except such as are furnished by the Government) necessary for the performance of the research provided for in Appendix "A" attached hereto and made a part hereof and shall perform the research and report thereon pursuant to the provisions of this contract.

ARTICLE II—THE PERIOD OF PERFORMANCE

The period for performance under this contract shall commence on _____ _____, 19____, and expire on _____ _____: *Provided, however,* That this period may be extended for additional periods by written agreement of the parties.

When authorized or directed by the appropriate Headquarters Program Division, one of the following alternative Articles II may be substituted for the above:

ARTICLE II—THE PERIOD OF PERFORMANCE

ALTERNATE A

It is presently estimated that the term of the contract (as modified by Modification No. _____) will run through _____ _____, 19____, and the Contractor agrees based on this estimate to submit its recommendations each year respecting the work program for the subsequent year, as elsewhere in this contract provided for. Neither party guarantees the correctness of this estimate, and, in any event, it is agreed that the period of performance will expire at the end of _____, 19____ (note that this will be a yearly period), or on any aniversary of said date during the said estimated term, if the parties do not mutually agree in writing to extend the period of performance for an additional yearly period.

ALTERNATE B

It is presently estimated that the term of the contract (as modified by Modification No. _____) will run through _____ _____, 19____, and the Contractor agrees based on this estimate to submit its recommendations each year respecting the work program for the subsequent year, as elsewhere in this contract provided for. Neither party guarantees the correctness of this estimate, and, in any event, it is agreed that the period of performance will expire at the end of _____, 19____ (note that this will be a yearly period), or an any anniversary of said date during the said estimated term, unless the Commission, at its option, by written notice to the Contractor prior to the expiration of the pertinent period, extends the period of performance for an additional yearly period.

ARTICLE III—CONSIDERATION

Payment for allowable costs, as hereinafter provided, shall constitute complete compensation to the Contractor for the performance of the research described in Article I (NOTE A).

NOTE A: If and as an individual transaction requires, either or both of the following features will be incorporated in the contract:

a. Specific mention of the contributions to be made by the Contractor, with the contract provisions indicating that the contributions are to be measured against the allowable cost system or otherwise pursuant to a defined yardstick.

b. Specific exclusion from allowable costs of the particular items that the parties agree shall not be reimbursable to the Contractor.

ARTICLE IV—OBLIGATION OF FUNDS, ESTIMATES OF COST

Insert § 9–7.5006–14, appropriately revised to reflect the no-fee position of educational institutions.

ARTICLE V—KEY PERSONNEL

The key personnel referred to in Article ____, Appendix "B" are as follows:

_____
_____

ARTICLE VI—GENERAL CONTRACT PROVISIONS

Appendix "B," attached hereto and made a part hereof, sets forth additional general contract provisions of this contract.

In witness whereof, the parties have executed this contract.

UNITED STATES OF AMERICA
By _____
_____
(Title)

UNITED STATES ATOMIC ENERGY COMMISSION
_____
(Contractor)
_____ By _____
_____ _____
(Title)

I, _____, certify that I
(Attester)
am the _____ of the Con-
(Title)
tractor named under this contract; that _____ who signed this
(Signatory)
contract on behalf of said Contractor who was then _____ of said Contractor; that
(Title)
this contract was duly signed for and on behalf of said Contractor by authority of its governing body and is within the scope of its legal powers.

In witness whereof, I have hereunto affixed my hand and the seal of said Contractor.

[SEAL] _____

APPENDIX A

Contractor: _____
Contract No. _____.

I. *Research to be performed.* Insert description of research activity.

II. *Equipment,* title to which is to be vested in the Contractor. Title to the following equipment shall vest and remain in the Contractor. Title to additional items of equipment may be vested in the Contractor if approved in writing by the Contracting Officer. (List all equipment to be purchased or fabricated by the Contractor, where it is known at the time the contract is executed that title to such equipment will vest in and remain in the Contractor. Where the estimated cost of individual pieces of equipment exceeds $1,000, they will be listed individually. Where individual pieces cost between $300 ($200 if the Contractor prefers) and $1,000, they shall also be listed individually to the extent practicable, or grouped in general categories, such as "electronic equipment" or "six motors," with the total dollar amount of such category. Insert the word "none" if title to all property is to be vested in the Government.)

III. *Reports.* Set forth reporting and report distribution requirements, including reports of equipment having a useful life expectancy in excess of 1 year and an acquisition cost in excess of $300 ($200 if the Contractor prefers) purchased or fabricated by the Contractor where title is to be vested in the Contractor. Where the cost of individual pieces of equipment exceeds $1,000 they will be listed individually. Where individual items cost $300 ($200 if the Contractor prefers) to $1,000, they will also be individually listed to the extent practicable, or grouped in general categories, such as "electronic equipment" or "six motors," with the total dollar amount of such category. The cost of purchased items shall be determined by the actual invoice cost of such items, but the cost of fabricated items may be established by engineering estimates.

Reproduction of final reports shall be performed consistent with Government printing and binding regulations.

APPENDIX B

Contractor: _____.
Contract No. _____.

General Contract Provisions

ARTICLE B–1—DEFINITIONS

Insert § 9–7.5005–4.

ARTICLE B–2—ALLOWABLE COSTS

(a) The Commission shall pay to the Contractor for performance of this contract the allowable direct costs incident to its performance plus the allocable portion of the allowable indirect costs of the Contractor as determined in accordance with:

(1) Subpart 1–15.3 of the Federal Procurement Regulations (41 CFR 1–15.3) as that text is amended by amendments to OMB Circular No. A–21, revised as of the date of commencement of the contract period or, with respect to periods of extension of contract performance, as of the date of commencement of the pertinent extension period;

(2) OMB Circular No. A–88, as it may be amended from time to time; and

(3) The terms of this contract.

(b) In addition to other costs declared to be unallowable, the salary or other compensation (and expenses related thereto) of any individual employed under the contract as a consultant or in another comparable employment capacity who is an employee of another organization and concurrently performing work on a full-time annual basis for that organization under a cost-type contract with the Commission shall be unallowable, except to the extent that cash payment therefor is required pursuant to the provisions of the contract or procedures of the Commission applicable to the borrowing of such an individual from another cost-type contractor.

ARTICLE B–3—STIPENDS AND FELLOWSHIPS

The Contractor agrees that, unless the Commission shall give its prior written approval, the Contractor shall not use any of the funds supplied by the Commission under this contract to pay the stipend of any appointment for which commensurate services are not rendered under this contract or to pay any part of the stipend of a fellowship of any kind.

ARTICLE B–4—ACCOUNTS, RECORDS, INSPECTION AND REPORTS[1]

(a) *Accounts.* The Contractor shall maintain accounts, records, documents, and other evidence showing and supporting all allowable costs, including the Contractor's contribution, if any, incurred, revenues or other applicable credits, and the receipt, use, and disposition of all Government property coming into the possession of the Contractor under this contract. The system of accounts employed by the Contractor shall be satisfactory to the Commission and in accordance with generally accepted accounting principles consistently applied and consistent with the requirements of OMB Circular No. A–21, revised, as constituted on the effective commencement date of the contract period.

(b) *Inspection and audit of accounts and records.* All books of account and records relating to this contract shall be subject to inspection and audit by the Commission at all reasonable times, before and during the period of retention provided for in (d) below, and the Contractor shall afford the Commission proper facilities for such inspection and audit.

(c) *Audit of subcontractors' records.* The Contractor also agrees with respect to any subcontracts (including lump-sum or unit-price subcontracts or purchase orders) where, under the terms of the subcontract, costs incurred are a factor in determining the amount payable to the subcontractor or vendor of any tier, that such subcontracts will permit the conduct of an audit by the Government and by the Contractor of the cost of the subcontract in a manner satisfactory to the Contracting Officer, or in the case of lower tier subcontracts have the audit conducted by the next higher tier subcontractor or vendor in a manner satisfactory to the Contractor and the Contracting Officer, except where the Contracting Officer elects to waive such audit or to approve other arrangements for the conduct of the audit. The Government agrees to perform such audits, to the extent it deems audit necessary, provided the Contractor gives the Contracting Officer timely notice in writing of the fact that it is unable to perform such audit with its own forces.

(d) *Disposition of records.* Except as agreed upon by the Government, and the Contractor, all financial and cost reports, books of account and supporting documents, and other data evidencing cost allowable and revenues and other applicable credits under this contract in the possession of the Contractor relating to this contract shall be preserved by the Contractor for a period of three (3) years after final payment under this contract or otherwise disposed of in such manner as may be agreed upon by the Government and the Contractor.

(e) *Reports.* The Contractor shall make progress and other reports in such manner and at such times as specified in Appendix A. In addition, the Contractor shall furnish such other progress reports and schedules, financial and cost reports, and other reports concerning the work under this contract as the Contracting Officer may from time to time require.

(f) *Inspections.* The Commission shall have the right to inspect the work and activities of the Contractor under this contract, in such manner and at all reasonable times as it shall deem appropriate.

(g) *Subcontracts.* The Contractor further agrees to require the inclusion of provisions similar to those in paragraphs (a) through this paragraph (g) of this clause in all subcontracts (including lump-sum or unit-price subcontracts or purchase orders) of any tier entered into hereunder where, under the terms of the subcontract, costs incurred are a factor in determining the amount payable to the subcontractor.

(h) *Conferences.* The Contractor shall confer with the Commission at mutually agreeable times and places in regard to the Contractor's activities under the contract.

ARTICLE B–5—DISCLOSURE OF INFORMATION

Insert § 9–7.5004–22.

ARTICLE B–6—PUBLICATION OF RESULTS

(a) Research results obtained under this contract shall be made available to all through normal and accepted channels without restriction except that no restricted data as defined in the Atomic Energy Act of 1954 or other classified information shall be disclosed to unauthorized persons. Such publication shall indicate that the research was supported by the Commission. A copy of each article submitted by the Contractor for publication shall be promptly sent to the Commission. The Contractor shall also inform the Commission when the article is published and furnish a copy of the article as finally published.

(b) It is recognized that during the course of the work hereunder or subsequent thereto, the Contractor, its employees, or its subcontractors may, from time to time, desire to publish, within the limit of security requirements, information regarding technical or scientific developments arising in the course of the contracts. In order that public disclosure of such information will not adversely affect the patent interest of the Commission, patent approval for release shall be secured from the Commission prior to any such publication. Note A.

NOTE A.—In contracts for theoretical physics, high energy physics, medium energy and neutron physics, mathematics, computer techniques and programing, medical studies, biological studies, ecological studies, meteorology, solid state physics, geology, radiation effect, theoretical chemistry, analytical chemistry, crystal structure, spectroscopy, thermodynamics, chemical kinetics, hazards evaluation, liquid state studies, cryogenics, environmental stream pollution, and site selection the following provision may be substituted for last sentence of Article B–6 above:

"In order that public disclosure of such information will not adversely affect the patent interest of the Commission, such information shall be withheld from public disclosure if it discloses an invention or discovery; such invention or discovery shall be promptly reported to the Commission for patent review and possible filing of a patent application, and such information shall thereafter be withheld from public disclosure for a period of 4 months unless the Commission approves earlier release.

ARTICLE B–7—PATENTS

Insert § 9–9.5003 modified by deleting paragraphs (d) and (e) and substituting therefor the following paragraph:

(d) Except as otherwise authorized in writing by the Commission, the Contractor will insert in all subcontracts and purchase orders, other than purchase orders for standard commercial supplies, provisions making this article applicable to the subcontract or the purchase order. Except as otherwise authorized in writing by the Commission, the Contractor will insert in purchase orders for standard commercial supplies a provision indemnifying the Government against liability for the use of any invention or discovery and for the infringement of any Letters Patent arising by reason of the purchase, use, or disposal by or for the account of the Government of items manufactured or supplied under the purchase order.

ARTICLE B–8—WRITTEN MATERIAL

(a) The Contractor hereby grants to the Government a royalty-free, nonexclusive, irrevocable license to reproduce, translate, publish, use and dispose of, and to authorize others to do so, all copyrightable material produced or composed or delivered to the Government or its designees under this contract, including work not first produced or composed by the Contractor in the course of performance under this contract but incorporated in the material produced or composed or delivered under this contract (but only to the extent that the Contractor now has, or prior to final settlement of the contract may have, the right to grant such license to such previously produced or composed work without becoming liable to pay compensation to others solely because of such grant).

(b) The Contractor agrees that, except as the Commission may otherwise specifically authorize in writing, the Contractor will not include in any report or other material delivered under this contract, or in any published material relating to the work under this contract, any copyrighted material owned by others which such owners have not consented to have so included.

(c) The Commission will not publish in advance of the Contractor's publication without prior consultation with the Contractor.

[1] If the contract is for a not-for-profit organization other than a research foundation established by an educational institution, this Article should be revised to provide that AEC's commercial cost principles (AECPR Part 9–15) will be used in determining actual cost.

ARTICLE B–9—ASSIGNMENT

Neither this contract nor any interest therein nor claim thereunder shall be assigned or transferred by the Contractor, except as expressly authorized in writing by the Commission.

ARTICLE B–10—TERMINATION FOR THE CONVENIENCE OF THE GOVERNMENT

Insert FPR 1–8.704–1.

ARTICLE B–11—FOREIGN TRAVEL

Foreign travel shall be subject to the prior approval of the Contracting Officer for each separate trip regardless of whether funds for such travel are contained in an approved budget. Foreign travel is defined as any travel outside of Canada and the United States and its territories and possessions.

ARTICLE B–12—CONVICT LABOR

Insert FPR 1–12.203.

ARTICLE B–13—COVENANT AGAINST CONTINGENT FEES

Insert § 9–7.5004–2.

ARTICLE B–14—DISPUTES

Insert FPR 1–7.101–12, modified by substituting "Commission" for "Secretary." (See § 9–7.5004–3.)

ARTICLE B–15—EQUAL OPPORTUNITY

Insert FPR 1–7.101–18.

ARTICLE B–16—OFFICIALS NOT TO BENEFIT

Insert FPR 1–7.101–19.

ARTICLE B–17—SAFETY, HEALTH, AND FIRE PROTECTION

When applicable under criteria set forth in Note A of § 9–7.5006–47 insert the clause set forth in § 9–7.5006–47 modified by omission of the last sentence.

ARTICLE B–18—PERMITS

Insert § 9–7.5006–48 modified by substituting "Except as the parties hereto may otherwise mutually agree" for "Except as otherwise directed by the Contracting Officer."

ARTICLE B–19—EXAMINATION OF RECORDS

Insert § 9–7.5004–10.

ARTICLE B–20—CONTRACT WORK HOURS STANDARDS ACT—OVERTIME COMPENSATION

Insert article in FPR 1–12.303 with the modification necessary if § 9–12.103–51 applies.

ARTICLE B–21—BUY AMERICAN ACT

Insert FPR 1–7.101–14, modified in accordance with § 9–7.5004–16.

ARTICLE B–22—LITIGATION AND CLAIMS

(a) *Initiation of litigation.* If the Government requires the Contractor to initiate litigation, including proceedings before administrative agencies, in connection with this contract, the Contractor shall proceed with the litigation in good faith as directed from time to time by the Contracting Officer: *Provided, however,* That in those instances in which such an assignment would be legally effective and enable the litigation or proceeding to be instituted and carried on for the Government's purposes the Contractor shall have the right to assign the cause to the Government for the latter's initiation or prosecution. In the latter case, the Contractor shall cooperate fully with the Government and provide such assistance as the Government shall request in the prosecution of the litigation.

(b) *Defense and settlement of claims.* The Contractor shall give the Contracting Officer immediate notice in writing (1) of any action, including any proceeding before an administrative agency, filed against the Contractor, arising out of the performance of this contract and which would, if successful, constitute a directly allowable cost and (2) of any claim against the Contractor the cost and expense of which is an allowable cost under the article entitled "Allowable Costs." Except as otherwise directed by the Contracting Officer, in writing, the Contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the Contractor with respect to such action or claims. To the extent not in conflict with any applicable policy of insurance, the Contractor may, with the Contracting Officer's approval, settle any such action or claim, shall effect at the Contracting Officer's request an assignment and subrogation in favor of the Government of all the Contractor's rights and claims (except those against the Government) arising out of any such action or claims against the Contractor, and, if required by the Contracting Officer, shall authorize representatives of the Government to settle or defend any such action or claim and to represent the Contractor in, or to take charge of, any action: *Provided, however,* To the extent not inconsistent with the Government's interests, the Contractor may, at his own expense, be associated with the representatives of the Government in settlement or defense of any such claim or action. If the settlement or defense of an action or claim against the Contractor is undertaken by the Government, the Contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense. Where an action against the Contractor is not covered by a policy of insurance, the Contractor shall, with the approval of the Contracting Officer, proceed with the defense of the action in good faith; and in such event the defense of the action shall be at the expense of the Government: *Provided, however,* That the Government shall not be liable for such expense to the extent that it would have been compensated for by insurance which was required by law or by the written direction of the Contracting Officer, but which the Contractor failed to secure through its own fault or negligence. The Contractor's "charitable defense" (i.e., such defense as is available to the Contractor as a matter of law because of the Contractor's eleemosynary character) shall not be asserted if the assertion of such a defense contravenes the Contractor's established policy.

ARTICLE B–23—BONDS AND INSURANCE

Insert § 9–7.5006–51 modified by adding the following sentence: "Nothing herein shall preclude the Contractor from obtaining or maintaining insurance at its own cost and expense to cover any insurable interest it may have in such 'Government-owned property.' "

ARTICLE B–24—DRAWINGS, DESIGNS, SPECIFICATIONS

Insert § 9–7.5006–13 modified by adding the following sentence: "These are excepted from the purview of this Article."

ARTICLE B–25—KEY PERSONNEL

It having been determined that the individuals, if any, whose names appear elsewhere in this contract as "key personnel," or other persons mutually acceptable as persons of substantially equal abilities and qualifications are necessary for the successful performance of this contract, the Contractor agrees, insofar as it is able, to make available such employees or persons for the performance of the work under this contract. Whenever for any reason, one or more of the aforementioned employees is unavailable for performance of the work under the contract, the Contractor shall use its best efforts to replace such employee with an employee of substantially equal abilities and qualifications who is satisfactory to the Contracting Officer.

ARTICLE B–26—PROPERTY

(a) *Furnishing of Government property.* The Government reserves the right to furnish any property, and such services as may be mutually agreed upon, for the performance of the work.

(b) *Title to property.* Title to all property furnished by the Government shall remain in the Government except as otherwise provided in this article. Except as otherwise provided by the Contracting Officer, title to all materials, equipment, supplies, and tangible personal property of every kind and description purchased by the Contractor, the cost of which is allowable as a direct item of cost under this contract, shall pass directly from the vendor to the Government. The Government reserves the right to inspect and in lieu of and prior to the Contractor's inspection and acceptance or rejection to accept or reject any item of such property. The Contractor shall make such disposition of rejected items as the Contracting Officer shall direct. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in the Government upon: (i) Issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever first occurs. Property furnished by the Government and property purchased or furnished by the Contractor, title to which vests in the Government under this paragraph, is hereinafter referred to as Government property. Title to Government property shall not be affected by the incorporation of the property into or the attachment of it to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(c) *Identification.* To the extend directed by the Contracting Officer, the Contractor shall identify Government property coming into the Contractor's possession or custody by making or segregating in such a way, satisfactory to the Contracting Officer, as shall indicate its ownership by the Government.

(d) *Disposition.* The Contractor shall make such disposition of Government property which has come into the possession or custody of the Contractor under this contract as the Contracting Officer shall direct. When authorized in writing by the Contracting Officer during the progress of the work or upon completion or termination of this contract, the Contractor may, upon such terms and conditions as the Contracting Officer may approve, sell or exchange such property, or acquire such property at a price agreed upon by the Contracting Officer and the Contractor as the fair value thereof. The amount received by the Contractor as the result of any disposition, or the amount of the agreed fair value of any such property acquired by the Contractor, shall be applied in reduction of costs allowable under this contract, or shall be otherwise credited to account of the Government, as the Contracting Officer may direct. Upon completion of the work or the termination of this contract the Contractor shall render an accounting, as prescribed by the Contracting Officer, of all Government property which has come into the possession or custody of the Contractor under this contract.

(e) *Protection of Government property—classified materials.* The Contractor shall take all reasonable precautions, as directed by the Contracting Officer, or in the absence of such directions in accordance with sound

practice, to safeguard and protect Government property in the Contractor's possession or custody. Special measures shall be taken by the Contractor in the protection of and accounting for any classified or special materials involved in the performance of this contract, in accordance with the regulations and requirements of the Commission.

(f) *Risk of loss of Government property.* The Contractor shall not be liable for loss or destruction of or damage to Government property in the Contractor's possession unless such loss, destruction, or damage results from willful misconduct or lack of good faith on the part of the Contractor's managerial personnel, or unless such loss, destruction, or damage results from a failure on the part of the Contractor's managerial personnel, to take all reasonable steps to comply with any appropriate written directives of the Contracting Officer to safeguard such property under paragraph (e) hereof. The term "Contractor's managerial personnel" as used herein means [insert appropriate definition].

(g) *Steps to be taken in event of loss.* Upon the happening of any loss or destruction of or damage to Government property in the possession or custody of the Contractor, the Contractor shall immediately inform the Contracting Officer of the occasion and extent thereof, shall take all reasonable steps to protect the property remaining, and shall repair or replace the lost, destroyed, or damaged property if and as directed by the Contracting Officer, but shall take no action prejudicial to the right of the Government to recover therefor and shall furnish to the Government, on request, all reasonable assistance in obtaining recovery.

(h) *Government property for Government use only.* Government property shall be used only for the performance of this contract, except as otherwise approved by the Contracting Officer.

ARTICLE B–27—SUBCONTRACTS AND PURCHASE ORDERS

The Contractor shall not subcontract any part of the research and development effort without the written approval of the Contracting Officer. Purchase orders shall not be entered into by the Contractor for items whose purchase is expressly prohibited by the written direction of the Contracting Officer. The Government reserves the right, at any time, to require that the Contractor submit any or all other contractual arrangements, including, but not limited to, subcontracts, purchase orders or classes of purchase orders, for approval, and provide information concerning methods, practices, and procedures used or proposed to be used in subcontracting and purchasing. The Contractor shall use methods, practices, or procedures in subcontracting and purchasing which are acceptable to the Contracting Officer. Subcontracts and purchase orders shall be made in the name of the Contractor, shall not bind nor purport to bind the Government, shall not relieve the Contractor of any obligation under this contract (including, among other things, the obligation properly to supervise and coordinate the work of subcontractors) and shall be in such form and contain such provisions as are required by this contract or as the Contracting Officer may prescribe.

ARTICLE B–28—UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS

Insert the clause set forth in FPR 1–1.805–3(a) under the conditions and in the manner prescribed in that section.

ARTICLE B–29—LABOR SURPLUS AREA SUBCONTRACTING PROGRAM

Insert the clause set forth in FPR 1–1.805–3(b) under the conditions and in the manner prescribed in that section.

ARTICLE B–30—UTILIZATION OF SMALL BUSINESS CONCERNS

Insert the clause set forth in FPR 1–1.710–3(a) under the conditions and in the manner prescribed in that section.

ARTICLE B–31—SMALL BUSINESS SUBCONTRACTING PROGRAM

Insert the clause set forth in FPR 1–1.710–3 (b) under the conditions and in the manner prescribed in that section.

ARTICLE B–32—COMMISSION LICENSE

In instances where the carrying out of the contract work involves a Commission license, the provisions of the pertinent license shall prevail over any inconsistent provisions of this contract.

ARTICLE B–33—PAYMENTS

Insert § 9–7.5006–23 or § 9–7.5006–25, as appropriate, modified to reflect the no-fee position of educational institutions. An additional paragraph should be added to provide for appropriate certification by the Contractor, on payment invoices or vouchers, to meet the requirements of section K of OMB Circular No. A–21, revised. If advance payments are to be made, the letter of credit procedure as provided for in Treasury Fiscal Requirements Manual, Part VI, Section 1020, will be used to the maximum extent feasible.

ARTICLE B–34—PRIORITIES, ALLOCATIONS, AND ALLOTMENTS

Insert § 9–7.5006–52.

ARTICLE 13–35—TAXES

(a) The Contractor agrees to notify the Commission of any State or local tax, fee, or charge levied or purported to be levied on or collected from the Contractor with respect to the contract work or any transaction thereunder and constituting an allowable item of cost if due and payable, but which, in the opinion of the Contractor or under the position of the Commission as communicated to the Contractor, is inapplicable or invalid; and the Contractor further agrees to refrain from paying any such tax, fee, or charge unless authorized by the Commission. Any State or local tax, fee, or charge paid with the approval of the Commission or on the basis of advice from the Commission that such tax, fee, or charge is applicable and valid, and which would otherwise be an allowable item of cost, shall not be disallowed as an item of cost by reason of any subsequent ruling or determination that such tax, fee, or charge was in fact inapplicable or invalid.

(b) The Contractor agrees to take such action as may be required or approved by the Commission to cause any such tax, fee, or charge referred to above to be paid under protest and to take such actions as may be required or approved by the Commission to seek recovery of any payment made, including assignment to the Government or its designee of all rights to an abatement or refund thereof, and granting permission for the Government to join with the Contractor in any proceeding for the recovery thereof or to sue for recovery in the name of the Contractor. If the Commission directs the Contractor to institute litigation to enjoin the collection of or to recover payment of any such tax, fee, or charge referred to above, or if a claim or suit is filed against the Contractor for a tax, fee, or charge he has refrained from paying in accordance with this Article, [the procedures and requirements of Article _____. "Litigation and Claims," shall apply] [1] and the costs and expenses incurred by the Contractor shall be allowable items of cost, as provided in this contract, together with the amount of any judgment rendered against the Contractor.

(c) The Government shall save the Contractor harmless from penalties and interest incurred through compliance with this article.

ARTICLE B–36—SOVIET-BLOC CONTROLS

Insert the clause set forth in § 9–7.5006–53.

ARTICLE B–37—CONSULTANT OR OTHER COMPARABLE EMPLOYMENT SERVICES OF CONTRACTOR EMPLOYEES

Insert clause set forth in either paragraph (a) or (b) of § 9–7.5006–45 as appropriate.

ARTICLE B–38—SOURCE AND SPECIAL NUCLEAR MATERIALS

Source and special nuclear material involved in the performance of the work under this contract shall be obtained and handled in accordance with the Commission's requirements and procedures.

ARTICLE B–39—NUCLEAR REACTOR SAFETY

Insert clause set forth in § 9–7.5006–36 when required by that section.

When the estimated cost of the contract is $250,000 or more add the following article.

ARTICLE B–40—CONDUCT OF EMPLOYEES [2]

The Contractor shall be responsible for maintaining satisfactory standards of employee competency, conduct, and integrity and shall be responsible for taking such disciplinary action with respect to his employees as may be necessary. The Contractor shall establish such standards and procedures as are necessary to implement effectively the provisions set forth in Atomic Energy Commission Procurement Regulation § 9–12.54 and such standards and procedures shall be subject to the approval of the Contracting Officer.

ARTICLE B–41—ADDITIONAL APPROVALS

In addition to such approvals as are specifically required by other provisions of this contract, the Contractor shall obtain the Commission's approval for:

(Insert appropriate additional approval requirements in accordance with § 9–4.5112–5.)

ARTICLE B–42—UTILIZATION OF MINORITY BUSINESS ENTERPRISES

Insert the clause set forth in FPR 1–1.1310–2(a) under the conditions and in the manner prescribed in that section.

ARTICLE B–43—MINORITY BUSINESS ENTERPRISES SUBCONTRACTING PROGRAM

Insert the clause set forth in FPR 1–1.1310–2(b) under the conditions and in the manner prescribed in that section.

ARTICLE B–44—LIST OF EMPLOYMENT OPENINGS

Insert the clause set forth in FPR 1–12.1102–2.

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[1] When the contract does not include a Litigation and Claims article, substitute the following for the phrase enclosed by brackets: "The Contractor shall comply with the procedures and requirements of the Commission."

[2] This article is included only in contracts within the scope of Subpart 9–12.54. In the case of contracts not within the scope of Subpart 9–12.54 but where AEC has major investments in facilities, see the clause set forth in § 9–7.5006–55.

Effective date. These amendments are to become effective on September 1, 1972, but may be observed sooner.

Dated at Germantown, Md., this 18th day of July 1972.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc.72-11361 Filed 7-21-72;8:48 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101-18—ACQUISITION OF REAL PROPERTY

Uniform Acquisition and Relocation Assistance Practices

A proposal was published in the FEDERAL REGISTER, April 21, 1972, 37 F.R. 7905, to amend 41 CFR 101-18—Acquisition of Real Property, to establish agency policy for acquiring real property and for providing services and payments to persons displaced from real property in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646.

Comments on the published proposal were received from two organizations. The comments related to (1) providing advance relocation assistance payments in hardship cases, (2) reimbursing displaced residential occupants for expenses incurred in searching for replacement dwellings, (3) specifying the exact condition that must exist before GSA would be authorized to proceed with a project prior to making a positive determination regarding the availability of adequate replacement housing, and (4) insuring that comparable replacement dwellings are available 30 days in advance of the time a person is required to vacate a dwelling acquired by GSA.

The suggestion that advance relocation payments be made in hardship cases has been incorporated into the regulations at § 101-18.308-7. The suggestion that individuals and families be reimbursed for expenses incurred in searching for replacement dwellings was rejected as such payments are not authorized by Public Law 91-646. The suggestion that GSA specify the exact conditions under which it may waive the requirement for making a positive housing finding was not adopted as all such conditions cannot be forecast and the ability of the agency to perform its mission in emergency and other extraordinary situations could be impaired. The suggestion that GSA require the availability of comparable replacement housing 30 days in advance of a person's displacement instead of within a reasonable time as specified in the published proposal is rejected as in some circumstances 30 days is not sufficient relocation time and to the maximum extent possible GSA will give all displaced persons 90 days notice in advance of their displacement.

This amendment, in addition to providing for advance relocation payments in hardship cases, specifies an 18-month time limit for filing relocation claims under Public Law 91-646 and makes several editorial changes to the proposal published in the FEDERAL REGISTER on April 21, 1972. The regulations follow:

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, establishes uniform policies for acquiring real property for Federal and federally assisted programs and provides for the fair and equitable treatment of persons displaced from real property by such programs. This amendment to Part 101-18 of the Federal Property Management Regulations sets forth the regulations to be followed by the General Services Administration in administering the provisions of Public Law 91-646.

The table of contents for Part 101-18 is amended by adding new Subparts 101-18.2 and 101-18.3 and by reserving Subparts 101-18.4—101-18.49, as follows:

AUTHORITY: The provisions of Subparts 101-18.2 and 101-18.3 are issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101-18.2—Acquisition By Purchase or Condemnation

§ 101-18.200 Scope of subpart.

This subpart sets forth the policies and procedures governing the acquisition of real property by the General Services Administration (GSA) for its programs and projects in the United States, the Commonwealth of Puerto Rico, any territory or possession of the United States, and the Trust Territory of the Pacific Islands.

§ 101-18.201 Purpose.

These regulations implement title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and will serve to:

(a) Encourage and expedite the acquisition of real property by agreements with owners;

(b) Avoid litigation where possible and relieve congestion in the courts;

(c) Insure consistent treatment of owners in the many Federal programs; and

(d) Promote public confidence in Federal land acquisition practices.

§ 101-18.202 Authority.

The provisions of this subpart are issued under provisions of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377, 40 U.S.C. 471; the Public Buildings Act of 1959, as amended, 40 U.S.C. 601-615; and Public Law 91-646, approved January 2, 1971, 84 Stat. 1894.

§ 101–18.203 Definitions.

For the purposes of this subpart, the following terms shall have the meanings set forth in this section.

§ 101–18.203–1 Act.

"Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646), approved January 2, 1971.

§ 101–18.203–2 Uneconomic remnant.

"Uneconomic remnant" means that portion of an ownership remaining after acquisition, the retention of which provides no benefit to the owner because of loss or difficulty of access, a changed highest and best use, remoteness, or any other reason resulting in burdening the owner thereof with expenses or responsibilities not commensurate with retention of such ownership.

§ 101–18.204 Basic acquisition policy.

GSA, to the greatest extent practicable, will:

(a) Make every reasonable effort to acquire expeditiously real property by negotiation.

(b) Appraise real property before the initiation of negotiations and give the owner or his designated representative an opportunity to accompany the appraiser during his inspection of the property.

(c) Establish, prior to the initiation of negotiations for real property, an amount estimated to be the just compensation therefor and make a prompt offer to acquire the property for the full amount so established. GSA will provide the owner of the real property to be acquired with a written statement of, and a summary of the basis for, the amount established as just compensation. Where appropriate, the just compensation for the real property acquired and for damages to remaining real property will be separately stated. The summary statement to be furnished the owner will include the following:

(1) Identification of the real property and the estate or interest therein to be acquired;

(2) Identification of the buildings, structures, and other improvements considered to be part of the real property for which the offer of just compensation is made;

(3) A statement that GSA's determination of just compensation is based on the estimated fair market value of the property to be acquired. If only part of the property is to be acquired or the interest to be acquired is less than the full interest of the owner, the statement will explain the basis for the determination of the just compensation;

(4) A statement that GSA's determination of just compensation is not less than its approved appraisal of the property; and

(5) A statement that any increase or decrease in the fair market value of the real property, prior to the date of valuation, caused by the public improvement or project for which the real property is to be acquired, or by the likelihood that the real property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded in making the determination of just compensation for the property.

(d) Acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property. This includes buildings, structures, or other improvements that GSA requires removed from the real property or that GSA determines will affect adversely the proposed use of the real property. If any buildings, structures, or other improvements comprising part of the real property are the property of a tenant who has the right or obligation to remove them at the expiration of his term, the total just compensation for the real property, including the property of the tenant, will be determined and the tenant will be paid the greater of the:

(1) Fair market value of the buildings, structures, or other improvements to be removed from the property; or

(2) Contributive fair market value of the tenant's improvements to the fair market value of the entirety, which value should not be less than the value of his improvements for removal from the real property. Payment under this paragraph (d) of this section will not be a duplication of any payment otherwise authorized by law. No payment will be made unless the landowner disclaims all interests in the tenant's improvements and the tenant in consideration for such payment shall assign, transfer, and release to the Government all his right, title, and interest in and to such improvements. The tenant may reject payment under this paragraph (d) of this section and obtain payment for his property interests in accordance with other applicable laws.

(e) Obtain only one appraisal on each parcel, tract, etc., of real property to be acquired unless GSA determines that circumstances require an additional appraisal or appraisals.

(f) Maintain records to verify that the landowner or his designated representative(s) was given an opportunity to accomapny the appraiser during the inspection of the real property.

(g) Pay an owner or tenant or deposit such payment in the registry of the court before requiring him to surrender his property. To the maximum extent practicable, owners and tenants will be given at least 90 days' notice of displacement before being required to move from real property acquired by GSA. If permitted by GSA to remain in possession for a short period of time after Government acquisition, the rental charged for this occupancy will not be more that the fair rental value of the property to a short-term occupier.

(h) Not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property. Offer to acquire the entire property where the acquisition of a part of a property will leave the owner with an uneconomic remnant.

§ 101–18.205 Expenses incidental to transfer.

GSA will amend its real property purchase contract forms to provide for reimbursement to vendors in amounts deemed by GSA to be fair and reasonable for the following expenses:

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property;

(b) Penalty cost for prepayment of any preexisting recorded mortgage entered into in good faith encumbering said real property; and

(c) The pro rata portion of real property taxes paid by the vendor for periods subsequent to the day title vests in the United States.

§ 101–18.206 Litigation expenses.

GSA will plan for and take into consideration the possible liability for the payment of litigation expenses of a condemnee as provided for in section 304 of the Act.

Subpart 101–18.3—Relocation Assistance and Payments

§ 101–18.300 Scope of subpart.

This subpart contains the regulations governing relocation assistance practices, procedures, and payments by GSA in the acquisition of real property for its programs and projects pursuant to Subpart 101–18.2.

§ 101–18.301 Purpose.

These regulations implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and will serve to insure uniform, fair, and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs designed for the benefit of the public as a whole and to safeguard against abuse of any of the underlying purposes, provisions, and policies of the Act.

§ 101–18.302 Authority.

The provisions of this subpart are issued under provisions of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377, 40 U.S.C. 471; the Public Buildings Act of 1959, as amended, 73 Stat. 479, 40 U.S.C. 601–615; and Public Law 91–646, 84 Stat. 1894, approved January 2, 1971.

§ 101–18.303 Definitions.

For the purpose of this subpart, the following terms shall have the meanings set forth in this section.

§ 101–18.303–1 Act.

"Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646), approved January 2, 1971.

§ 101–18.303–2 Federal agency.

"Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority); any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency); the Architect of the Capitol; and the Federal Reserve banks and branches thereof.

§ 101–18.303–3 Person.

"Person" means any individual, partnership, corporation, or association.

§ 101–18.303–4 Displaced person.

(a) "Displaced person" means any person who on or after January 2, 1971, moves from real property or moves his personal property from real property as a result of:

(1) The acquisition of such real property by GSA in whole or in part; or

(2) Receipt from GSA of a written notice of displacement under a program or project undertaken by a Federal agency or with Federal financial assistance.

(b) For purposes of receiving moving and related expense payments and receiving relocation advisory assistance, a displaced person also is a person meeting the provisions of this section who conducts a business or farm operation on such real property.

(c) For purposes of qualifying for relocation benefits as provided in this Subpart 101–18.3, a displaced person is a person who moves as the result of the notice referenced in § 101–18.303–4(a)(2) regardless of whether his real property is actually acquired.

§ 101–18.303–5 Business.

"Business" means any lawful activity except a farm operation conducted primarily:

(a) For the purchase, sale, lease, or rental of personal and real property and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(b) For the sale of services to the public;

(c) By a nonprofit organization; or

(d) For (in accordance with section 202(a) of the Act) assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

§ 101–18.303–6 Farm operation.

"Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

§ 101–18.303–7 Mortgage.

"Mortgage" means such classes of liens as are commonly given to secure advances on or the unpaid purchase price of real property under the laws of the State in which the real property is located, with any credit instruments secured thereby.

§ 101–18.303–8 Comparable replacement dwelling.

"Comparable replacement dwelling" means a dwelling which, when compared with the dwelling being taken, is:

(a) Decent, safe, and sanitary (sound, clean, weathertight), and meets local housing codes and criteria specified in § 101–18.306.

(b) Functionally equivalent and substantially the same with respect to age, construction, state of repair, number of rooms, and square feet of living area.

(c) Open to all persons and meets the provisions of title VIII of the Civil Rights Act of 1968 (Public Law 90–284).

(d) Located in an area not generally less desirable than the dwelling to be acquired as to the neighborhood, public utilities, and commercial facilities and is reasonably accessible to the displaced person's place of employment.

(e) Available on the market and within the financial means of the displaced person or family.

(f) Adequate to accommodate the displaced person.

§ 101–18.303–9 Initiation of negotiations.

"Initiation of negotiations" means the date on which an official representative of GSA makes the first personal contact with an owner (or his duty authorized representative) of real property to be acquired by GSA and furnishes him with a written offer to purchase the property.

§ 101–18.303–10 Owner.

"Owner" means an individual (or individuals) who:

(a) Holds the fee title, a life estate, or a 99-year lease; or

(b) Has an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit; or

(c) Is the contract purchaser of any such estates or interests listed in paragraph (a) of this section; or

(d) Has succeeded to any of the interests in paragraphs (a) or (b) of this section, by devise, bequest, inheritance, or operation of law. For the purposes of this subpart, if a person acquires ownership by any of the methods listed in this paragraph, the tenure of ownership not occupancy of the succeeding owner shall be the same as the tenure of the preceding owner.

§ 101–18.303–11 Dwelling.

"Dwelling" means the place of permament or customary and usual abode of a person. It includes a single-family building, a one-family unit in a multifamily building, a unit of a condominium or cooperative housing project, or any other residential unit, including a mobile home which either is considered to be real property under State law, cannot be moved without substantial damage or unreasonable cost, or is not a decent, safe, and sanitary dwelling.

§ 101–18.303–12 Nonprofit organization.

"Nonprofit organization" means a corporation, partnership, individual, or other public or private entity engaged in a business, professional, or instructional activity on a nonprofit basis, necessitating fixtures, equipment, stock-in-trade, or other tangible property for the carrying on of the business, professional, or institutional activity on the premises.

§ 101–18.303–13 Existing patronage.

"Existing patronage" is the annual average dollar volume of business transacted during the 2 taxable years immediately preceding the taxable year in which the business is relocated.

§ 101–18.303–14 Family.

"Family" means two or more individuals living together in the same dwelling who are related to each other by blood, marriage, adoption, legal guardianship, or operation of law.

§ 101–18.303–15 Moving and related expense payments.

"Moving and related expense payments" means those payments authorized by section 202 of the Act.

§ 101–18.303–16 Replacement housing payments.

"Replacement housing payments" means those payments authorized by section 203 of the Act.

§ 101–18.303–17 Replacement rental payments.

"Replacement rental payments" means those payments authorized by section 204 of the Act.

§ 101–18.303–18 Notice of displacement.

"Notice of displacement" means a written notice to vacate real property given by GSA generally 90 days prior to the date of vacation.

§ 101–18.303–19 Economic rent.

"Economic rent" means the amount of rent a displaced tenant would have to pay for a similar dwelling unit in areas not generally less desirable than the dwelling unit to be acquired by the Government.

§ 101–18.304 Basic policy.

GSA, to the greatest extent practicable, will:

(a) Administer its real property acquisition programs or projects so that every person displaced because of such programs or projects will have been offered a comparable replacement dwelling which is decent, safe, and sanitary before being required to vacate the dwelling acquired by the Government.

(b) Make prompt and equitable payments to those eligible displaced persons to cover:

(1) Reasonable costs incurred for moving and related expenses;

(2) Amounts determined to be the replacement housing payments; and/or

(3) Amounts determined to be the replacement rental payments.

(c) Provide, or cause to be provided, relocation assistance advisory services in a manner to insure that the displaced person will receive assistance in relocation. When GSA causes services to be provided by the staff of an agent under contract, GSA will require that the services be administered in a manner that will accomplish the specific and underlying purposes of the Act.

(d) Provide procedures for reviewing the application of an aggrieved applicant

to encourage the prompt and proper resolution of the causes of such aggravation.

(e) Adhere to all existing GSA regulations, procedures, policies, and forms relating to the acquisition of real property and interests therein as well as project requirements except as modified by the requirements of the Act and these regulations.

§ 101–18.305 Right of appeal.

Any applicant aggrieved by a determination as to eligibility for a payment under the Act, or the amount of such payment, may submit through the Commissioner, Public Buildings Service, a request to have his application reviewed by the Administrator of General Services.

§ 101–18.306 General criteria for decent, safe, and sanitary housing.

A decent, safe, and sanitary dwelling is one which meets all of the following minimum requirements:

(a) Conforms with all applicable provisions for existing structures that have been established under State or local building, plumbing, electrical, housing, and occupancy codes and similar ordinances or regulations.

(b) Has a continuing and adequate supply of potable safe water.

(c) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and is connected to hot and cold water and an adequate sewage system.

(d) Has an adequate heating system in good working order capable of maintaining a minimum temperature of 70° F. in the living area under local outdoor design temperature conditions. A heating system will not be required in those geographical areas where not normally included in new housing.

(e) Has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush closet, all in good working order and properly connected to a sewage disposal system.

(f) Has an adequate and safe wiring system for lighting and other electrical services.

(g) Is structurally sound, weathertight, in good repair, and adequately maintained.

(h) Has a safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multidwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In buildings of three stories or more, the common corridor on each story must have at least two means of egress.

(i) Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet (70 square feet for mobile home) of habitable floor space for each additional occupant. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking, or dining purposes and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, and unfurnished attics, foyers, storage spaces, cellars, utility rooms, and similar spaces.

§ 101–18.306–1 Sleeping rooms.

The standards for decent, safe, and sanitary housing as applied to rental of sleeping rooms shall include the minimum requirements contained in § 101–18.306 (a), (d), (f) through (h), and the following:

(a) At least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant.

(b) Lavatory, bath, and toilet facilities that provide privacy, including a door that can be locked if such facilities are separate from the room.

§ 101–18.306–2 Application of local code standards.

In those instances where there is no local housing code or where a local housing code does not meet all the standards listed in this section, the Commissioner, Public Buildings Service, will determine the standards acceptable for decent, safe, and sanitary housing.

§ 101–18.306–3 Exceptions.

Exceptions may be granted to decent, safe, and sanitary standards and will be limited to items and circumstances that are beyond the reasonable control of the displaced person to adhere to the standards. Approved exceptions will not affect the computation of a replacement housing payment.

§ 101–18.307 Multiple occupancy.

Multiple occupancy will be treated as single occupancy in the case of individuals, not families, in dealing with benefits for replacement housing. However, each displaced individual may receive benefits for actual, reasonable moving expenses and for other related expenses, and in the case of families, each family will be considered separately.

§ 101–18.308 Moving and related expenses.

Whenever the acquisition of real property by GSA will result in the displacement of any person on or after January 2, 1971, and such person occupied the real property acquired by GSA prior to its acquisition, GSA will make a payment to the person, upon application as approved by GSA, for the person's reasonable and actual moving expenses as follows:

(a) Transporting individuals, families, and property from the acquired site, including storage, to the replacement site, not to exceed a distance of 50 miles except where GSA determines that relocation beyond the 50-mile area is justified.

(b) Packing and crating of personal property.

(c) Advertising for packing, crating, and transportation when GSA determines that it is necessary.

(d) Storing personal property for a period generally not to exceed 12 months when GSA determines that storage is necessary in connection with relocation.

(e) Insuring loss and damage of personal property while in storage or transit.

(f) Removing, reinstalling, and reestablishing machinery, equipment, appliances, and other items, not acquired as real property, including reconnection of utilities, which do not constitute an improvement to the replacement site, and which were not acquired by GSA. (Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and that GSA is released from any payment for the property.)

(g) Replacing property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent, or employees) in the process of moving, where insurance to cover such loss or damage was not available at the time of the move.

(h) Paying other reasonable expenses determined proper by GSA.

§ 101–18.308–1 Limitations.

In the implementation of section 202 of the Act, GSA will apply the following limitations:

(a) When the displaced person accomplishes the move himself, the amount of payment will not exceed the estimated cost of moving commercially.

(b) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement will not exceed the replacement cost, minus the proceeds received from the sale, or the cost of moving, whichever is less.

(c) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, as determined by GSA, the allowable reimbursement for the expense of moving the personal property will not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junk yards, stockpiled sand, gravel, minerals, metals, and similar type items of personal property.

§ 101–18.308–2 Exclusions.

In the implementation of section 202 of the Act, GSA will exclude the following moving expenses and losses from payment:

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures, improvements, or other real property in which the displaced person reserved ownership.

(c) Improvements to the replacement site, except when required to reinstall machinery, equipment, or other personal property.

(d) Interest on loans to cover moving expenses.
(e) Loss of goodwill.
(f) Loss of profits.
(g) Loss of trained employees.
(h) Personal injury.
(i) Cost of preparing the application for moving and related expenses.
(j) Modification of personal property to adapt it to the replacement site, except when required by law.
(k) Such other items as GSA determines should be excluded on the basis that they are not reasonable, prudent, or proper.

§ 101–18.308–3 Direct losses.

GSA will reimburse a displaced person as the result of the person's moving or discontinuing a business or a farm operation for direct losses to personal property in accordance with the following:
(a) When the displaced person does not move personal property, he will be required to make a bona fide effort to sell it.
(b) When personal property is sold and the business or farm operation reestablished, the displaced person is entitled to the difference between the replacement cost minus the sale proceeds, or the cost of moving, whichever is less.
(c) When the business or farm operation is discontinued, the displaced person is entitled to the difference between the in-place value of the personal property and the sale proceeds, or the cost of moving, whichever is less.
(d) When the personal property is abandoned, the displaced person is entitled to payment for the difference between the in-place value and the amount which would have been received from the sale of the item, or the cost of moving, whichever is less.

§ 101–18.308–4 Expenses in searching for a replacement business or farm.

In the implementation of section 202 (a)(3) of the Act, GSA will allow the following expenses, except that the total amount which a displaced person may be paid for searching expenses will not exceed $500, unless GSA determines that a greater amount is justified based on the circumstances involved:
(a) Travel costs up to a maximum distance of 100 miles.
(b) Reasonable costs for meals and lodging.
(c) Time spent in searching at the rate of the displaced person's salary or earnings, but not exceeding $10 per hour.
(d) Broker or realtor fee to locate a replacement business or farm operation if GSA determines such service is necessary to effect a satisfactory relocation.

§ 101–18.308–5 Scheduled payments.

Any displaced person eligible for moving and related expense benefits heretofore enumerated may elect to receive a moving expense allowance determined in accordance with a schedule established by GSA but not to exceed $300 and a dislocation allowance of $200. These payments will be made upon application by the displaced person and need not be supported by any evidence of incurred expenses. The schedule established by GSA will be the room moving allowance schedules maintained by the respective State highway departments.

§ 101–18.308–6 Fixed payments for displaced businesses or farms.

Any eligible displaced business or farm operator who elects to accept a payment authorized by this section in lieu of the moving and related expense payments heretofore enumerated may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment will not be less than $2,500 nor more than $10,000. However, where an entire farm operation is not acquired, the payment will be made only if GSA determines that the farm met the definition of a farm operation prior to the acquisition and the property remaining after the acquisition is no longer an economic unit. In the case of a business, no payment will be made unless GSA is satisfied that the business cannot be relocated without a substantial loss of its existing patronage and is not part of a commercial enterprise having at least one other establishment not being acquired by the Government, which is engaged in the same or similar business. The term "average annual net earnings" means one-half of the sum of the net earnings of the business or farm operation before Federal, State, and local income taxes during the 2 taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired by GSA or during any other period that GSA determines to be more equitable for establishing such earnings. The "average annual net earnings" includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during that period.
(a) To be eligible for the payment authorized in this section, the business or farm operation must contribute materially to the income of the displaced owner. This standard is designed to eliminate those part-time family occupations which do not contribute materially to a displaced person's income.
(b) The loss of existing patronage of a business will be determined by GSA only after consideration of all pertinent circumstances, including the following:
(1) The type of business conducted by the displaced concern.
(2) The nature of the clientele of the displaced concern.
(3) The relative importance of the present and proposed locations to the patronage of the displaced business.
(c) A person who is displaced from his place of business or farm may elect to receive a fixed relocation payment whether or not he discontinues or reestablishes operations. Any displaced owner-occupant of a multifamily dwelling who earns income from such dwelling will be regarded as displaced from his place of business, in addition to having been displaced from his dwelling, and is eligible in accordance with the foregoing requirements for a fixed payment based on the average annual net earnings.

§ 101–18.308–7 Advance payments in hardship cases.

Advance moving and related expense payments may be made to individuals, families, and business concerns in cases of hardship. By written prearrangement between the displaced person, GSA, and the mover, the mover may present invoices covering services rendered to GSA for direct payment.

§ 101–18.309 Replacement housing payments.

In addition to payments otherwise authorized, GSA will make a payment not in excess of $15,000 to any eligible displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than 180 days prior to initiation of negotiations for the acquisition of the dwelling. Such additional payments will include the following elements:
(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Government is determined to be the reasonable cost of a comparable replacement dwelling.
(b) The amount, if any, which will compensate the displaced person for any increased interest costs which the person is required to pay for financing of the comparable replacement dwelling. This amount will be paid only if the dwelling acquired by the Government was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of the dwelling. Such amount will be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling over the remainder of the term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate will be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.
(c) Reasonable expenses incurred by the displaced person for evidence of title, recording fees, legal, closing, and related costs, preparing conveyance contracts, credit reports, FHA and VA appraisal fees, and other costs incident to the purchase of the comparable replacement dwelling, but not including prepaid expenses.

§ 101–18.309–1 Eligibility.

(a) A displaced owner-occupant is eligible for a replacement housing payment if he:
(1) Owned and occupied the acquired dwelling for not less than 180 days immediately prior to the initiation of negotiations for the real property; and
(2) Purchases and occupies a comparable replacement dwelling not later than the end of the 1-year period beginning on the date on which the displaced person receives from the Government final

payment of all costs of the acquired dwelling or on the date on which he moves from the acquired dwelling, whichever is later.

§ 101–18.309–2 Computation of replacement housing payment.

GSA will compute the amount of the replacement housing payment by:

(a) Determining the amount necessary to purchases a comparable replacement dwelling using a schedule, or by devising a suitable alternate method to better meet local conditions. The schedule will be based on a continuing and current analysis of the market to determine a representative amount for each type of dwelling required.

(b) Selecting a comparable dwelling or dwellings which are actually available on the real estate market and which meet the definition of a comparabe replacement dwelling. Asking prices will be adjusted to reflect market sales experience. A single comparable dwelling will be used only when additional comparable dwellings are not available.

(c) Cooperating with other Federal agencies causing displacement in a community to establish a uniform method of calculating replacement housing payments.

(d) Basing the interest payment portion of the replacement housing payment on the present value of the reasonable cost of the interest differential including points paid by the purchaser on the amount refinanced not to exceed the amount of the unpaid debt for its remaining term at the time of Government acquisition of the real property.

(e) Reimbursing the displaced person, in the amount found in the incidental expenses portion of the replacement housing payment, for costs incident to the purchase of a comparable replacement dwelling. This amount may include: Legal, closing, and related costs including costs of title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plats, and charges incident to recordation; lender's, FHA, or VA appraisal fees; FHA application fees; certifying structural soundness when required by lender, FHA, or VA; credit report; title policies or abstracts of title; escrow agent's fee; and State revenue stamps, or sale or transfer taxes. However, no fee, cost, charge, or expense is reimbursable which is determined to be part of the finance charge under the Truth in Lending Act, Title I, Public Law 90–321 and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System.

§ 101–18.309–3 Upper limit of replacement housing payments.

The amount established as the replacement housing payment for a comparable replacement dwelling sets the upper limit of this payment.

(a) If a displaced person, of his own volition, purchases and occupies a decent, safe, and sanitary dwelling at a price less than the upper limit of the replacement housing payment plus the purchase price paid for the Government-acquired dwelling, the replacement housing payment will be reduced to the amount necessary to pay the difference between the acquisition price of the replacement dwelling plus reasonable incidental expenses. A displaced person will be considered as having "purchased" such a dwelling if he acquires an existing dwelling, purchases and rehabilitates a substandard dwelling, relocates, or relocates and rehabilitates an existing dwelling, constructs a new dwelling, contracts to purchase a dwelling to be constructed on a site provided by a builder or developer, or enters into a contract for the construction of a dwelling on a site which he owns or acquired for the purpose.

(b) If a displaced person, of his own volition, purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment will be made.

§ 101–18.309–4 Tenants' notice of initiation of negotiations.

Tenants and other persons lawfully occupying real property acquired by GSA wil be notified of the date when negotiations for the property were initiated with the property owner.

§ 101–18.310 Replacement rental payments.

In addition to payments otherwise authorized, GSA will make a payment not in excess of $4,000 to any eligible displaced person not eligible to receive a replacement housing payment under § 101–18.309 who actually and lawfully occupied the dwelling acquired by the Government for not less than 90 days immediately prior to the initiation of negotiations for acquisition of the dwelling. GSA will notify the tenant or other occupant of the property in writing of the actual date of initiation of negotiations. Such payment will be the amount, not to exceed $4,000, determined by GSA to be necessary to enable the displaced person to:

(a) Lease or rent for a period not to exceed 4 years a comparable replacement dwelling, or

(b) Make a downpayment, including incidental expenses described in § 101–18.309–2(e), on a comparable replacement dwelling; if such amount exceeds $2,000, the displaced person must match any amount in excess of $2,000 in making the downpayment.

§ 101–18.310–1 Eligibility.

A displaced person who is a tenant or an owner-occupant of less than 180 days prior to initiation of negotiations is eligible for a replacement housing payment if he meets both of the following requirements:

(a) Occupies, actually and lawfully, the dwelling for not less than 90 days immediately prior to the initiation of negotiations for the acquisition of the dwelling.

(b) Meets the other eligibility requirements of § 101–18.310.

§ 101–18.310–2 Owner-occupant who elects to rent.

An owner-occupant eligible for a replacement housing payment under the provisions of § 101–18.309 but who elects to rent a comparable replacement dwelling rather than purchase such a replacement dwelling is eligible for a replacement rental payment under these provisions. However, in no event will the replacement rental payment exceed the amount of his entitlement under the replacement housing payment provisions or the replacement rental payment provisions, whichever is less.

§ 101–18.310–3 Computation of renter's replacement rental payment.

Computation of the replacement rental payment for eligible displaced persons who elect to rent a comparable replacement dwelling will be determined by GSA by the establishment of a schedule, by using a comparative method, or by devising a suitable alternate method to better meet local conditions.

(a) GSA may establish a rental schedule for comparable replacement dwellings. The replacement rental payment will be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (using the average monthly cost from the schedule) and subtracting from such amount 48 times the average month's rent paid by the displaced person in the last 3 months prior to initiation of negotiations if such rent was reasonable, or if not reasonable, 48 times the monthly economic rent for the dwelling as established by GSA. Economic rent is the amount of rent the displaced tenant would have had to pay for a similar dwelling unit in areas not generally less desirable than the dwelling unit to be acquired. The schedule should be based on a current analysis of the market to determine an amount for each type of dwelling required.

(b) GSA may determine the average month's rent by selecting one or more dwellings representative of the dwelling unit acquired by the Government which is available on the market and is a comparable replacement dwelling. The payment will be computed by determining the amount necessary to rent for 4 years the comparable replacement dwelling and subtracting the amount of 48 times the average month's rent paid by the displaced person in the last 3 months prior to initiation of negotiations, or if not reasonable, 48 times the monthly economic rent.

(c) GSA may establish the average month's rent paid by a displaced person by using more than 3 months prior to negotiations if it is deemed advisable.

(d) All replacement rental payments for displaced persons who elect to rent instead of purchase, that exceed $500, will be made in four equal installments on an annual basis. Before making each annual payment, GSA will verify that the displaced person continues to occupy a decent, safe, and sanitary dwelling.

(e) When more than one Federal agency is causing displacement in a community or area, GSA will cooperate with those agencies in determining uniform replacement rental payments.

§ 101–18.310–4 Computation of purchaser's replacement rental payment.

Computation of the replacement rental payment for eligible displaced persons who elect to purchase instead of rent a comparable replacement dwelling will be the amount determined to be necessary to make a downpayment and to cover incidental expenses in the purchase of a replacement dwelling.

(a) Incidental expenses of closing the transaction are those heretofore described § 101–18.309–2(e).

(b) The full amount of the downpayment must be applied to the purchase price and such downpayment and incidental costs shown on the closing statement.

(c) To receive payment to apply on the purchase of a replacement dwelling, a tenant or owner-occupant eligible under this section to receive a replacement housing payment, must purchase and occupy a decent, safe, and sanitary dwelling not later than 1 year subsequent to the date he vacated the dwelling acquired by GSA.

§ 101–18.310–5 Time limit for filing claims.

Claims for benefits under the Act are to be received by GSA within 18 months from the date on which the displaced person moves from the real property acquired or to be acquired; or the date on which GSA makes final payment of all costs for the acquisition of the real property, whichever is the later date.

§ 101–18.311 Relocation assistance advisory services.

Whenever GSA causes displacement of persons residing on a public building site, after January 2, 1971, GSA will provide to all eligible displaced persons a relocation assistance advisory service. This service will be provided by GSA personnel or by the personnel of a contractor employed by GSA. If GSA determines that any person occupying property immediately adjacent to the real property acquired by the Government is caused substantial economic injury because of that acquisition, such person may be offered relocation assistance advisory services.

(a) GSA will cooperate to the maximum extent feasible with other Federal or State agencies to insure that displaced persons receive the maximum assistance available to them.

(b) GSA relocation assistance advisory services will include such measures, facilities, or services as may be necessary or appropriate in order to:

(1) Determine the need, if any, of eligible displaced persons, for relocation assistance.

(2) Provide current and continuing information on the availability, prices, and rentals of comparable replacement dwellings which are decent, safe, and sanitary and of comparable commercial properties and locations for displaced businesses.

(3) Insure that, within a reasonable time, prior to displacement, comparable replacement dwellings which are decent, safe, and sanitary will be available to replace the dwellings acquired by the Government.

(4) Assist a person displaced from his business or farm operation in obtaining and becoming established in a replacement location.

(5) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons.

(6) Provide other advisory services to displaced persons to minimize hardships to such persons in adjusting to relocation.

§ 101–18.312 Availability determination.

GSA will not proceed with any phase of a project which will cause the displacement of any person until it has determined that there will be available, within a reasonable time prior to such displacement, on a basis consistent with the requirements of Title VIII of the Civil Rights Act of 1968 (Public Law 90–284), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means (including supplements provided by law) of the families displaced, decent, safe, and sanitary dwellings equal in number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment.

(a) This determination will be based on a current survey and analysis of available replacement housing resources. This survey will take into account the competing demands on the available housing resources.

(b) GSA may waive the requirements of this section in periods of emergency and/or other extraordinary situations where immediate possession of real property is of crucial importance.

§ 101–18.313 Housing replacement as a last resort.

GSA will be guided by the criteria and policies to be developed by the Secretary of Housing and Urban Development in its implementation of section 206 of the Act.

§ 101–18.314 Planning and other preliminary expenses for additional housing.

GSA will be guided by the criteria and policies to be developed by the Secretary of Housing and Urban Development in its implementation of section 215 of the Act.

§ 101–18.315 Applicability to the acquisition of leasehold interest.

The relocation provisions of the Act do not apply to leasing actions except when persons are displaced as a result of the condemnation of a leasehold interest or lease construction of a building which has received congressional approval as a public buildings project pursuant to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606).

Subparts 101–18.4—101–18.49 [Reserved]

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (7–22–72).

Dated: July 20, 1972.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.72–11436 Filed 7–21–72;8:50 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 53—GRANTS, LOANS AND LOANS GUARANTEES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND MEDICAL FACILITIES

Subpart L—Community Service; Services for Persons Unable to Pay; Nondiscrimination

NOTICE OF INTERIM RULE MAKING

Notice is hereby given that the Administrator, Health Services and Mental Health Administrtion, with the approval of the Secretary of Health, Education, and Welfare and of the Federal Hospital Council, has issued an interim regulation, to be effective 15 days from the date of publication of this notice and until a final regulation is issued, revising § 53.111 of Title 42, CFR, entitled "Services for persons unable to pay." Notice is also given that a proposed final regulation will be submitted to the Federal Hospital Council for its approval within 90 days of publication of this notice.

Interested persons may comment upon the interim regulation and thereby participate in the formulation of the final regulation, by submitting data, views or arguments, within 30 days after the publication of this notice, to the Health Care Facilities Service, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852.

Notice of proposed rule making and of opportunity for public comment concerning the establishment of procedures for determining compliance with, and enforcing, assurances to provide a reasonable volume of services to persons unable to pay therefor given, or to be given, by applicants for assistance under Title VI of the Public Health Service Act (42 U.S.C. 219 et seq.) was published in the FEDERAL REGISTER on April 18, 1972 (37 F.R. 7632). As stated in the notice, the proposed action was subject to the approval of the Federal Hospital Council. The period for public comment was thereafter extended for 30 days, to and including June 17, 1972 (37 F.R. 9783).

In response to the notice, a large number of comments, suggestions and objections were received. These comments were carefully reviewed and considered and a number of revisions in the proposed regulations, as detailed below, have been made as a result of such consideration.

A number of the objections were general statements of the position that no new regulations dealing with "reasonable volume" should be issued. This assurance is currently the subject of litigation in a number of suits in which the Secretary has been named or joined as a defendant. These cases have emphasized the imperative necessity of a new regulation designed to define the scope of the assurance more clearly and to govern its enforcement.

Many carefully written and detailed objections and suggestions were also submitted. Some of these dealt with matters outside the scope of title VI of the Public Health Service Act, e.g., participation by the Medicare and Medicaid programs in the cost to facilities of uncompensated services, and, accordingly, have been rejected. Other comments offered suggestions relating to accessibility to care, and to participation by facilities in the Medicaid program. These suggestions relate to the community service assurance (42 CFR 53.112) rather than to the reasonable volume assurance, and will be considered as a request for the revision of the community service assurance.

As a result of our consideration of the relevant comments, a number of revisions to the proposed regulations as published were prepared.

Under section 603 of the Public Health Service Act (42 U.S.C. 291C), general regulations under the Hill-Burton Act may be adopted only with the approval of the Federal Hospital Council. Accordingly, the revisions of the proposed regulations were presented to the Federal Hospital Council for approval at its meeting of June 13, 1972.

The Federal Hospital Council approved the revised proposal subject to the Secretary making five changes in its text. These changes were made, and the revised proposal, with the changes, is here published as an interim regulation.

The revisions to the proposed regulation published on April 18, 1972 are described below. Changes initiated by the Council are so identified.

1. *Section 53.111(a)*. The Council recommended the adoption of a time limit to the period of obligation under an assurance by the applicant that the federally aided facility will make available a reasonable volume of services to persons unable to pay therefor. This period is set as 20 years after the completion of construction in the case of a grant and in the case of a loan or loan guarantee the period during which (a) any amount of a direct loan made under sections 610 and 623 of the Act, or (b) any amount of a loan with respect to which a loan guarantee and interest subsidy has been provided under sections 623 and 624 of the Act remains unpaid.

2. *Section 53.111(b)*. The definition of "uncompensated services" has been changed to make clear that the level of uncompensated services is measured by the difference between the reasonable cost of the services provided to persons unable to pay therefor and the amount charged such persons for such services.

3. *Section 53.111(c)*. A new condition has been added to this paragraph to require public notice and an opportunity for public comment before the State agency recommends an exception to the requirement that an applicant give an assurance concerning the availability of a reasonable volume of services to persons unable to pay therefor.

4. *Section 53.111(d)*. The presumptive compliance guideline was revised to establish a dollar level of 3 percent of operating costs or 10 percent of all Federal assistance provided to or on behalf of the applicant under the Act, whichever is less. Federal assistance is defined to include the total amount of any interest subsidy which the Secretary is, or will be, obligated to pay in connection with a direct loan or loan guarantee provided under the Act.

A second option is provided under which a certification by an applicant that it will not deny admission to, and services at, its facility to any person unable to pay therefor will be deemed to constitute presumptive compliance. Council action clarified this option to include a certification that services available in the facility will be provided without charge or at a charge below reasonable cost which does not exceed the ability of any such person to pay therefor as determined in accordance with criteria established pursuant to paragraph (g).

A clarifying amendment was also made to § 53.111(d) by the Council, which deleted the reference to paragraph (h). Such change made paragraph (d) and paragraph (h)(1) internally consistent (see item 8 below).

5. *Section 53.111(e)(2)*. A new subparagraph (2) was added to make clear that the inclusion in the annual statement of the amount of uncompensated services provided in a prior year is required only if a level of uncompensated services was established for such year.

The Council revised the statement of the elements of an affirmative action plan to limit the publicity requirements to "press releases or other appropriate means as the facility may desire."

6. *Section 53.111(e)(5)*. A new subparagraph (5) has been added to require that, pending the establishment of a level of uncompensated services for a fiscal year, the applicant shall provide such services at a level which is the higher of the level established (or if no such level has been established, the level provided) in the preceding fiscal year or the level proposed in its budget for the current fiscal year.

7. *Section 53.111(f)*. As revised, this paragraph will permit uncompensated services to be credited toward fulfillment of the reasonable volume obligation if a written determination of inability to pay for the services provided is made prior to any collection effort other than the rendition of bills. While this applies to collection efforts, whether made by the facility or any other entity, it is not intended to preclude obtaining information as to the person's ability to pay through means other than action calculated to enforce collection. Collection efforts against third party insurers or governmental programs are specifically permitted.

8. *Section 53.111(h)(1)*. Under paragraph (h) of the regulation, as published on April 18, 1972, the State agency was authorized to set a level of uncompensated services which could be equal to or less than the presumptive compliance guideline or, under the prescribed conditions, taking into account the need in the area served by the applicant for uncompensated services and the financial ability of the applicant to provide such services, could exceed the guideline.

The Council added the proviso that "in no event shall the level of uncompensated services established under this section exceed the presumptive compliance guideline."

9. *Section 53.111(h)(5)*. This paragraph has been revised to make clear that all objections and supporting documents are to be made available for public inspection, and to require that the State agency rule on the objections within 60 days after the expiration of the period for objections.

In considering whether to issue the revised proposal with the changes suggested by the Council as a final regulation, the Secretary was apprised of contentions that the approval by the Council was procedurally defective in that there were five vacancies in the Council's authorized membership of 12 and that the meeting of the Council had not been open to the public.

In Perry et al. v. The Greater Southeast Community Hospital Foundation, Inc., et al. (U.S.D.C. D.C.) a law suit involving compliance with the "reasonable volume" assurance, Judge Gesell, in denying a motion for a temporary restraining order to enjoin the issuance of the regulation, held on June 28, 1972, that the Federal Hospital Council was "performing quasi-legislative rather than advisory functions in consulting and recommending to the Secretary appropriate regulations," and was not, therefore, subject to the Executive order in this nonadvisory function.

The Court went on to note, however, its concern with the composition of the Council, which it indicated raised "questions of policy, if not of illegality." Furthermore, the Court indicated its view that, although not legally required, the Council meeting on the regulation should be open to the public.

Accordingly, in order to remove any question regarding the procedural propriety of the Council's approval of the regulation the Secretary will submit a proposed regulation to a fully constituted council of 12 members at a meeting open to the public within 90 days of the publication of this notice. In order, however, that some regulation be immediately

in effect, particularly in view of the pendency of litigation against the Secretary seeking to compel him to issue promptly a regulation, he is issuing forthwith as an interim regulation the revised proposal with the changes suggested by the Council.

All comments received pursuant to this invitation, as well as all comments received in response to the notice of proposed rule making published in the FEDERAL REGISTER on April 18, 1972 (37 F.R. 7632), will be considered by the Secretary in framing the regulation to be proposed to the fully constituted Federal Hospital Council. The comments will be available for public inspection at Room 9-05, Parklawn Building, between the hours of 8:30 a.m. and 5 p.m., Monday through Friday. Notice of the meeting of the Council at which the final regulation will be proposed will be published in accordance with section 13 of Executive Order 11671, and the meeting will be open to the public.

In presenting the proposed regulation to the Council, the Secretary will recommend that any revision approved by the Council be applicable to the fiscal year of each applicant which is subject to the regulation as adopted below (see sec. 53.111(h)(3)).

In view of the time which will be required to process the appointments to the Council and the need to select a suitable date for the meeting, it is anticipated that the Council meeting will be scheduled for a date after September 5 and prior to September 30, 1972.

Dated: July 13, 1972.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: July 14, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Section 53.111 of Part 53 is revised as follows:

§ 53.111 Services for persons unable to pay.

(a) *Applicability.* The provisions of this section apply to every applicant which heretofore has given or hereafter will give an assurance that it will make available a reasonable volume of services to persons unable to pay therefor but shall not apply to an applicant (1) for more than 20 years after the completion of construction of any facility with respect to which funds have been paid under section 606 of the Act or (2) beyond the period during which any amount of a direct loan made under sections 610 or 623 of the Act, or any amount of a loan with respect to which a loan guarantee and interest subsidy has been provided under sections 623 and 624 of the Act remains unpaid.

(b) *Definitions.* As used in this section:

(1) The term "facility" includes hospitals, facilities for long-term care, outpatient facilities, rehabilitation facilities, and public health centers;

(2) The term "applicant" means an applicant for, or recipient of, a grant, a loan guarantee or a loan under the Act;

(3) "Fiscal year" means the fiscal year of the applicant;

(4) The term "operating costs" means the actual operating costs of the applicant for a fiscal year as determined in accordance with cost determination principles and requirements under Title XVIII of the Social Security Act (42 U.S.C. 1395): *Provided*, That such "operating costs" shall be determined for the applicant's entire facility and for all patients regardless of the source of payment for such care: *And provided further*, That in determining such operating costs there shall be deducted the amount of all actual or estimated reimbursements, as applicable, for services received or to be received pursuant to Title XVIII and XIX of the Social Security Act (42 U.S.C. 1395 and 1396);

(5) The term "net income" means the net income of the applicant determined in accordance with the applicant's usual accounting methods provided that such methods are consistently applied and are compatible with accounting principles generally accepted in hospital and related fields;

(6) The term "reasonable cost" means the cost of providing services to a specific patient determined in accordance with the cost determination principles and requirements under title XVIII of the Social Security Act (42 U.S.C. 1395) and Subpart D of the regulations thereunder (20 CFR 405, 401 et seq.);

(7) The term "uncompensated services" means services which are made available to persons unable to pay therefor without charge or at a charge which is less than the reasonable cost of such services. The level of such services is measured by the difference between the amount charged such persons for such services and the reasonable cost thereof;

(8) "Reasonable volume of services to persons unable to pay therefor" means a level of uncompensated services which meets a need for such services in the area served by an applicant and which is within the financial ability of such applicant to provide.

(c) *Assurance.* (1) Before an application under this part is recommended by a State agency to the Secretary for approval, the State agency shall obtain an assurance from the applicant that there will be made available in the facility or portion thereof to be constructed or modernized a reasonable volume of services to persons unable to pay therefor. The requirement of an assurance from an applicant shall be waived if the applicant demonstrates to the satisfaction of the State agency, subject to subsequent approval by the Secretary, that such a requirement is not feasible from a financial viewpoint. (2) Prior to recommending that such requirement be waived, the State agency shall publish in a newspaper of general circulation in the area served by the applicant a notice of the request for such waiver and invite public comment thereon, allowing not less than 30 days therefor. All comments received shall be available for public inspection, and shall be considered by the State agency in arriving at its recommendation. Notice of the determination on the request for waiver shall be given to all interested persons and to the public before the approval of the Secretary is sought.

(d) *Presumptive compliance guideline.* An applicant which, for a fiscal year, (1) budgets for the support of, and makes available on request, uncompensated services at a level not less than the lesser of 3 percent of operating costs or 10 percent of all Federal assistance provided to or on behalf of the applicant under the Act, or (2) certifies that it will not exclude any person from admission on the ground that such person is unable to pay for needed services and that it will make available to each person so admitted services provided by the facility without charge or at a charge below reasonable cost which does not exceed any such person's ability to pay therefor as determined in accordance with criteria established pursuant to paragraph (g), shall be deemed in presumptive compliance with its assurance. In the case of a loan guarantee with interest subsidy or a direct loan guarantee be sold by the Secretary with an interest subsidy, the amount of Federal assistance shall include the total amount of the interest subsidy which the Secretary is, or will be, obligated to pay over the full life of the loan, as well as any other payments which the Secretary makes on behalf of the applicant in connection with the loan guarantee or the direct loan which has been sold.

(e) *Compliance reports.* (1) Each applicant shall, not later than 120 days after the end of a fiscal year, unless a longer period is approved by the State agency for good cause shown, file with the State agency a copy of its annual statement for such year as required by section 646 of the Act and § 53.128(q), which shall set forth its operating costs.

(2) With respect to each fiscal year for which a level of uncompensated services has been established in accordance with this section, the annual statement shall also set forth the amount of uncompensated services provided in such year. (i) The provision of a level of uncompensated services in such year which equals or exceeds the level established pursuant to paragraph (h) of this section for such year shall constitute compliance with the assurance. (ii) If the level of services provided was less than the level of uncompensated services established pursuant to paragraph (h) of this section, the applicant shall submit with such statement: A justification therefor, showing that the provision of such lower level of uncompensated services was reasonable under the circumstances; and a description of the steps it proposes to take to assure the availability and utilization of the level of uncompensated services to be established for the current fiscal year, which shall include an affirmative action plan, utilizing press releases or other appropriate means as the facility may desire to bring to the attention of

the public the availability of such uncompensated services and the conditions of eligibility therefor.

(3) Each applicant shall file with its annual statement a copy of that portion of its adopted budget for the current fiscal year relating to the support of uncompensated services in such year. Such budget for uncompensated services shall be based on the operating costs of the applicant for the preceding fiscal year and shall give due cognizance to probable increases in operating costs. If the budget statement does not conform to the presumptive compliance guidelines, the applicant shall submit with its statement (i) a justification therefor, showing that such lower level of uncompensated services is reasonable under the circumstances, and (ii) a plan to increase such uncompensated services to meet the presumptive compliance guideline or such other level of uncompensated services as may have been established or as it requests the State agency to establish in accordance with paragraph (h) of this section.

(4) The applicant shall also submit such additional reports related to compliance with its assurance as the State agency may reasonably require.

(5) Pending the establishment of a level of uncompensated services for any fiscal year pursuant to paragraph (h) of this section, the applicant shall, in such fiscal year, provide a level of services which is the higher of (i) the level established for the preceding fiscal year (or if no such level has been established for such prior year, the level of services provided in such year) or (ii) the level proposed in its adopted budget for the current fiscal year.

(f) *Qualifying services.* (1) In determining the amount of uncompensated services provided by an applicant, there shall be included only those services provided to an individual with respect to whom the applicant has made a written determination prior to any collection effort other than the rendition of bills that such individual is unable to pay therefor under the criteria established pursuant to paragraph (g) of this section except that such collection efforts may be made against a third party insurer or against a governmental program.

(2) There shall be excluded from the computation of uncompensated services:

(i) Any amount which the applicant has received, or is entitled to receive, from a third party insurer or under a governmental program; and

(ii) The reasonable cost of any services for which payment in whole or in mental program (e.g., Medicare and part would be available under a govern-Medicaid) in which the applicant, although eligible to do so, does not participate, but only to the extent of such otherwise available payment.

(g) *Persons unable to pay for services.* (1) The State agency shall set forth in its State plan, subject to approval by the Secretary, criteria for identifying persons unable to pay for services, which shall include persons who are otherwise self-supporting but unable to pay the full charge for needed services. Such criteria shall be based on the following or similar factors:

(i) The health and medical care insurance coverage, personal or family income, the size of the patient's family, and other financial obligations and resources of the patient or the family in relation to the reasonable cost of the services;

(ii) Generally recognized standards of need such as (*a*) the State standard for the medically needy as determined for the purposes of the Aid for Families with Dependent Children program; (*b*) the current Social Security Administration poverty income level; (*c*) the current Office of Economic Opportunity Income Poverty Guidelines applicable in the area; or

(iii) Any other equivalent measures which are found by the Secretary to provide a reasonable basis for determining an individual's ability to pay for medical and hospital services.

(2) A copy of such criteria shall be provided by the applicant, upon request, to any patient or former patient of the applicant and to any person seeking services from the applicant.

(3) The State agency shall provide a copy of such criteria to any person requesting it.

(h) *Level of uncompensated services.* (1) The State agency shall set forth in its State plan procedures for the determination for each applicant of the level of uncompensated services which constitutes a reasonable volume of services to persons unable to pay therefor provided that in no event shall the level of uncompensated services established under this section exceed the presumptive compliance guideline.

(2) The State agency shall for the purpose of making such determination, review, and evaluate the annual statement, the budget and the related documents submitted by each aplicant pursuant to paragraph (e) of this section, by applying the following criteria:

(i) The financial status of the applicant, taking account of income from all sources, and its financial ability to provide uncompensated services;

(ii) The nature and quantity of services provided by the applicant;

(iii) The need within the area served by the applicant for the provision, without charge or at charge which is less than reasonable cost, for services of the nature provided or to be provided by the applicant; and

(iv) The extent and nature of joint or cooperative programs with other facilities for the provision of uncompensated services, and the extent and nature of outreach services directed to the needs of underserved areas.

(3) In accordance with its findings made after such review and evaluation, the State agency shall, within 60 days after receipt of the annual statement and related documents required by paragraph (e) of this section, for each fiscal year of an applicant which begins following the expiration of 90 days after the effective date of this regulation:

(i) Establish a level of uncompensated services for each applicant which may be equal to or less than the presumptive compliance guideline: *Provided,* That if the State agency determines, in accordance with subparagraph (2) of this paragraph, that (*a*) there is a need in the area served by an applicant for a level of uncompensated services greater than the level proposed in the applicant's budget statement, and (*b*) the applicant is financially able to provide such greater level of uncompensated services, the State agency shall establish such greater level as the level applicable to the applicant; and

(ii) Accept or modify a plan submitted pursuant to paragraph (e) of this section.

(4) The State agency shall notify the applicant in writing of the level of uncompensated services which it has established for the applicant for the fiscal year. At the time of notifying the applicant, the State agency shall also publish as a public notice in a newspaper of general circulation within the community served by the applicant the rate that has been established, a statement that the documents upon which the agency based its determination are available for public inspection at a location and time prescribed, and that persons wishing to object to the rate can do so by writing to the State agency within 20 days after publication of the notice.

(5) The applicant or any person or persons residing or located within the area served by the applicant, or any organization on behalf of such person or persons, may submit to the State agency within 20 days of the publication and sending of the notice objections to the rate established by the State agency for the applicant. Such objections may be supported in writing by factual information and argument. The State agency shall give public notice of other receipt of the objections and shall make the objections and their supporting documents available for public inspection and comment. It may, if it believes that determination of the objections will be assisted by oral evidence or by oral argument, set a public hearing on the objections and shall give notice of such hearing to all interested parties and to the public. The State agency shall within 60 days of the expiration of the period within which objections may be filed, rule upon the objections in writing, stating its reason for sustaining or overruling them, in whole or in part, and establishing finally the rate of uncompensated services either the same as, above, or below the rate previously established, as may best accord with all of the evidence on file with or heard by the State agency. Notice of the final determination shall be mailed to all parties who filed objections or who participated in the proceedings leading to the redetermination.

(6) Within 20 days of receipt of written notice of the final determination of a State agency after ruling on objections to the rate established by the State agency, the applicant or any other interested person or organization may submit to the Secretary a written request for review of the State agency determination. Such review shall be made upon the

record of the State agency determination which shall be sustained if supported by substantial evidence and is not otherwise arbitrary or capricious. If the Secretary or his designee determines that the rate established by the State agency is unsupported by the evidence in the record or is otherwise arbitrary or capricious, the Secretary or his designee shall, upon the basis of the record or upon other evidence or information which is before him or which he may obtain, establish a level of uncompensated services which he determines, in accordance with the criteria set out in subparagraph (2) of this paragraph, is appropriate.

(7) The level of uncompensated services established for an applicant under this section for any fiscal year shall constitute a reasonable volume of services to persons unable to pay therefor with respect to such applicant for such fiscal year.

(i) *Evaluation and enforcement.* The State plan shall provide for evaluation and enforcement of the assurance in accordance with the following requirements:

(1) The State agency shall, (i) at least annually, perform evaluations of the amount of the various services provided in each facility with respect to which Federal assistance has been provided under the Act, to determine whether such assurance is being complied with; and (ii) establish procedures for the investigation of complaints that such assurance is not being complied with.

(2) Evaluation pursuant to subparagraph (1) of this paragraph shall be based on the annual budget of each facility for uncompensated services and on financial statements of such facilities filed pursuant to section 646 of the Act and § 53.128(q), and on such other information, including reports of investigations and hearing decisions, as the State agency deems relevant and material.

(3) The State plan shall provide for adequate methods of enforcement of the assurance, including effective sanctions to be applied against any facility which fails to comply with such assurance. Such sanctions may include, but need not be limited to, license revocation, termination of State assistance, and court action.

(j) *Reports.* (1) The State agency shall, not less often than annually, report in writing to the Secretary its evaluation of each facility's compliance with the assurance, the disposition of each complaint received by the State agency, proposed remedial action with respect to each facility found by the State agency to be not in compliance with the assurance, and the status of such remedial action.

(2) In addition, the State agency shall promptly report to the Regional Attorney and Regional Health Director of the Department of Health, Education, and Welfare the institution of any legal action against a facility or the State agency involving compliance with the assurance.

[FR Doc.72-11199 Filed 7-21-72;8:45 am]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN: TITLE IV, PARTS A AND B OF THE SOCIAL SECURITY ACT

Affirmative Action Plan for Equal Employment Opportunity

Parts 205 and 220 of Chapter II, Title 45, of the Code of Federal Regulations are amended in accordance with the revision of 45 CFR Part 70 published in the FEDERAL REGISTER on March 6, 1971 (36 F.R. 4498), Standards for a Merit System of Personnel Administration. The revision included a provision (§ 70.4) requiring affirmative action toward the goal of equal employment opportunity. Notice of proposed rule making has been dispensed with since the regulations implement this requirement for agencies administering State plans under titles I, IV-A, IV-B, X, XIV, XVI, and XIX of the Social Security Act.

Chapter II of Title 45 of the Code of Federal Regulations is amended as set forth below.

1. Section 205.200 is amended to add paragraph (c) as follows:

§ 205.200 Standards of personnel administration.

* * * * *

(c) The State plan must provide that the State agency will develop and implement an affirmative action plan for equal employment opportunity in all aspects of personnel administration as specified in § 70.4 of this title. The affirmative action plan will provide for specific action steps and timetables to assure such equal opportunity. The plan shall be made available for review upon request.

2. Section 220.49(c) is revised to read as follows:

§ 220.49 Other plan requirements for child welfare services under title IV-B (see also Subpart D of this part).

* * * * *

(c) *Personnel standards.* (1) There shall be, with respect to the employees of the State agency and those of local agencies, personnel administration on a merit basis which shall be in accordance with current Federal Standards for a Merit System of Personnel Administration in 45 CFR Part 70. The State plan shall contain necessary materials relating to personnel administration to permit evaluation for compliance with the said Standards for a Merit System of Personnel Administration.

(2) The State plan must provide that the State agency will develop and implement an affirmative action plan for equal employment opportunity in all aspects of personnel administration as specified in § 70.4 of this title. The affirmative action plan will provide for specific action steps and timetables to assure such equal opportunity. The plan shall be made available for review upon request.

* * * * *

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. This amendment shall be effective July 1, 1972.

Dated: June 12, 1972.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: July 18, 1972.

JOHN G. VENEMAN,
Acting Secretary.

[FR Doc.72-11369 Filed 7-21-72;8:49 am]

Chapter IV—Social and Rehabilitation Service (Rehabilitation Programs), Department of Health, Education, and Welfare

PART 401—THE STATE VOCATIONAL REHABILITATION PROGRAM

Affirmative Action Plan for Equal Employment Opportunity

Part 401 of Chapter IV of Title 45 of the Code of Federal Regulations is amended in accordance with the revision of 45 CFR Part 70 published in the FEDERAL REGISTER on March 6, 1971 (36 F.R. 4498), Standards for a Merit System of Personnel Administration. The revision included a provision (§ 70.4 of this title) requiring affirmative action toward the goal of equal employment opportunity. Notice of proposed rule making has been dispensed with since the regulations implement this requirement for agencies administering a State plan for vocational rehabilitation in accordance with the merit system.

Section 401.12 of Part 401, Chapter IV, Title 45 of the Code of Federal Regulations is amended by revising paragraph (c) to read as follows:

§ 401.12 Standards of personnel administration.

* * * * *

(c) Where personnel administration is conducted under a State merit system approved by the Department of Health, Education, and Welfare (or constituent unit thereof) as meeting the "Standards for a Merit System of Personnel Administration," Part 70 of this title:

(1) The State plan may make reference to such fact, and the information required above with respect to "Standards of personnel administration" need not be submitted, except that the responsibility for the appointment of personnel shall be described.

(2) The State plan must provide that the State agency will develop and implement an affirmative action plan for equal employment opportunity in all aspects of

personnel administration as specified in § 70.4 of this title. The affirmative action plan will provide for specific action steps and timetables to assure such equal opportunity. The plan shall be made available for review upon request.

* * * * *

(Secs. 205, 1102, 7, 222, 49 Stat. 624, 647, 68 Stat. 658, 79 Stat. 408; 42 U.S.C. 405, 1302, 29 U.S.C. 37, 42 U.S.C. 422. Interpret and apply secs. 1–12, 41 Stat. 735, as amended; 29 U.S.C. 31–42.)

Effective date. This amendment shall be effective July 1, 1972.

Dated: June 12, 1972.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: July 18, 1972.

JOHN G. VENEMAN,
Acting Secretary.

[FR Doc.72–11368 Filed 7–21–72;8:49 am]

Chapter VII—Commission on Civil Rights

PART 704—INFORMATION DISCLOSURE AND COMMUNICATIONS

Material Available for Inspection

Part 704 is amended by revising § 704.1 (c) and (d)(2), reading as follows:

§ 704.1 Material available pursuant to 5 U.S.C. 552.

* * * * *

(c) Material maintained on file pursuant to 5 U.S.C. 552(a)(2). Material maintained on file pursuant to 5 U.S.C. 552(a)(2) shall be available for inspection during regular business hours at the offices of the Commission at 1121 Vermont Avenue NW., Washington, DC 20425. Copies of such material shall be available upon written request, specifying the material desired, addressed to Office of General Counsel, U.S. Commission on Civil Rights, Washington, D.C. 20425, and upon the payment of fees determined in accordance with paragraph (e) of this section.

(d) * * *

(2) Time and place of access to material. Records or copies requested shall be made available at the offices of the Commission at 1121 Vermont Avenue NW., Washington, DC 20425, during regular business hours.

(Secs. 101–06, 71 Stat. 634–36, as amended; 42 U.S.C. 1975–1975(e); sec. 1, 81 Stat. 54–55; 5 U.S.C. 552)

Effective date. These amendments shall become effective on the date of their publication in the FEDERAL REGISTER (7–22–72).

THEODORE M. HESBURGH,
Chairman.

[FR Doc.72–11326 Filed 7–21–72;8:45 am]

Chapter IX—Administration on Aging, Social and Rehabilitation Service, Department of Health, Education, and Welfare

PART 903—GRANTS FOR STATE AND COMMUNITY PROGRAMS FOR THE AGING

Subpart A—The State Plan

AFFIRMATIVE ACTION PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY

Part 903 of Chapter IX of Title 45 of the Code of Federal Regulations is amended in accordance with the revision of 45 CFR Part 70 published in the FEDERAL REGISTER on March 6, 1971 (36 F.R. 4498), Standards for a Merit System of Personnel Administration. The revision included a provision (§ 70.4 of this title) requiring affirmative action toward the goal of equal employment opportunity. Notice of proposed rule making has been dispensed with since the regulations implement this requirement for agencies administering a State plan under the Older Americans Act.

Section 903.15 of Part 903, Chapter IX, Title 45 of the Code of Federal Regulations is amended to add paragraph (c) as follows:

§903.15 Standards of personnel administration.

* * * * *

(c) The State plan must provide that the State agency will develop and implement an affirmative action plan for equal employment opportunity in all aspects of personnel administration as specified in § 70.4 of this title. The affirmative action plan will provide for specific action steps and timetables to assure such equal opportunity. The plan shall be made available for review upon request.

(Sec. 101 et seq., 79 Stat. 218–226, 81 Stat. 106–108, 82 Stat. 1101, 83 Stat. 108–115; 42 U.S.C. 3001 et seq.)

Effective date. This amendment shall be effective July 1, 1972.

Dated: June 12, 1972.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: July 18, 1972.

JOHN G. VENEMAN,
Acting Secretary.

[FR Doc.72–11367 Filed 7–21–72;8:49 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 5400, 5490]

SALES OF FOREST PRODUCTS AND ACTS SPECIFIC TO ALASKA

Proposed Deletion of Special Timber Sale Regulations

The Act of July 31, 1947, as amended (30 U.S.C. 601) authorizes sales of forest products on all public lands where not otherwise expressly authorized by law. The Act of May 14, 1898, as amended (16 U.S.C. 615a) provides authority for sales of timber in Alaska. The purpose of this proposed amendment is to eliminate those regulations contained in Subpart 5490 which relate only to sales in Alaska and to provide for such sales under Subpart 5400. This would establish uniform policy and procedures for the sale of timber on all public lands. Changes have also been proposed to update the authority citations in accordance with the requirements of present law.

In accordance with the Department's policy on public participation in rule making (36 F.R. 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until August 25, 1972.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m. to 4:15 p.m.).

Part 5400 of Chapter II of Title 43 of the Code of Federal Regulations is amended as follows:

1. Section 5400.0–3 is revised to read as follows:

§ 5400.0–3 Authority.

(a) The Act of August 28, 1937 (43 U.S.C. 1181a) authorizes the sale of timber from the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands and directs that such lands shall be managed for permanent forest production and the timber thereon sold, cut and removed in conformity with the principle of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating streamflow and contributing to the economic stability of local communities and industries, and providing recreational facilities.

(b) The Act of July 31, 1947, as amended (30 U.S.C. 601 et seq.) authorizes the disposal of timber and other vegetative resources on public lands of the United States including lands embraced within an unpatented mining claim located after July 23, 1955, if the disposal of such resources is not otherwise expressly authorized by law including, but not limited to, the Act of June 28, 1934, as amended (43 U.S.C. 315–315o–1) and the United States mining laws; is not expressly prohibited by laws of the United States; and would not be detrimental to the public interest.

(1) The act also authorizes the United States, its permittees, and licensees to use so much of the surface of any unpatented mining claim located under the mining law of the United States after July 23, 1955, as may be necessary for access to adjacent land for the purposes of such permittees or licensees. Any authorized use of the surface of any such mining claim shall be such as not to endanger or materially interfere with prospecting, mining, or processing operations or uses reasonably incident thereto.

(2) Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State county, municipality, water district, or other local governmental subdivision or agency, the Secretary of the Interior may make disposals under the regulations in this subpart only with the consent of such other Federal department or agency or of such State, or local governmental unit. The act provides, however, that the Secretary of Agriculture shall dispose of materials if such materials are on lands administered by the Secretary of Agriculture for national forest purposes or for purposes of Title III of the Bankhead-Jones Farm Tenant Act or where withdrawn for the purpose of any other function of the Department of Agriculture.

(3) The provisions of the act in disposal of vegetative or mineral materials do not apply to lands in any national park, or national monument or to any Indian lands or lands set aside or held for the use or benefit of Indians including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians.

(c) The Act of April 12, 1926, as amended (16 U.S.C. 617), limits the amount of unprocessed timber which may be sold for export from the United States from Federal lands located west of the 100th meridian to not more than 350 million board feet for each calendar year 1969 through 1973 inclusive. The act also provides that specific quantities and species of unprocessed timber surplus to the needs of domestic users may be designated as available for export in addition to the quantity stated above after public hearing and a finding to this effect by the appropriate Secretary of the Department administering Federal lands. Authority to issue rules and regulations to carry out the purpose of the act including the prevention of substitution of timber restricted from export for exported non-Federal timber is contained in section 2(c) of the act as amended. Authority to issue rules and regulations providing for the exclusion of the limitations imposed by the act for sales having an appraised value of less than $2,000 is contained in section 2(d) of the act as amended.

(i) The Secretary of the Interior and the Secretary of Agriculture shall determine annually the distribution among the Federal lands of the 350 million board feet of unprocessed timber which may be sold for export from Federal lands west of the 100th meridian.

(ii) The rules and regulations issued to carry out the purposes of this act do not apply to Federal timber sold prior to January 1, 1969.

(iii) The Director shall coordinate actions by other departmental agencies which are subject to this paragraph.

(d) Authority for small sales of timber for use in Alaska is contained in the Act of May 14, 1898, as amended (16 U.S.C. 615a).

Subpart 5490 [Deleted]

2. Subpart 5490 is deleted in its entirety.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 17, 1972.

[FR Doc.72–11332 Filed 7–21–72;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1804]

[FHA Instruction 424.1]

PLANNING AND PERFORMING DEVELOPMENT WORK

Procedures Requiring Houses Manufactured Offsite To Be Inspected at Time of Erection Onsite

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment of subdivision (iii) of § 1804.4(d)(9) of Subpart A of Part 1804, "Planning and Performing Development Work," Title 7, Code of Federal Regulations (36 F.R. 18062), to provide procedures requiring houses manufactured offsite to be inspected at the time of erection onsite. As amended, the revised subdivision (iii) will read as follows:

§ 1804.4 Performing development.

* * * * *

(d) *Development performed by contract method.* * * *

(9) *Development work for structures manufactured offsite.* * * *

(iii) Inspections will be made, in every case, of the foundation, of the house when it is erected or placed on the foundation, and of the final completed development. The second inspection should be made at the time that the house is being erected or placed on the foundation, but may be made within 48 hours after it is erected or placed on the foundation. When practical, the county supervisor and/or the State engineer should make an inspection of the houses being constructed at the manufacturing plant or in the material suppliers yard.

* * * * *

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture, Room 5013, South Building, Washington, D.C. 20250, within 30 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Assistant Administrator for Management during regular business hours (8:15 a.m. to 4:45 p.m.).

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Order of Act. Sec. of Agr., 36 F.R. 21529; Order of Asst. Sec. of Agr. for Rural Development and Conservation, 36 F.R. 21529)

Dated: July 14, 1972.

J. R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.72-11345 Filed 7-21-72;8:47 am]

Food and Nutrition Service

[7 CFR Parts 210, 220, 225]

CHILD NUTRITION PROGRAMS

Proposed Requirements for Meals

Notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend regulations governing the operation of the National School Lunch Program (7 CFR Part 210), the regulations governing the operation of the School Breakfast Program (7 CFR Part 220), and the regulations governing the operation of the Special Food Service Program for Children (7 CFR Part 225) for the purpose of increasing flexibility in requirements for meals.

Comments, suggestions, or objections are invited and may be delivered within 30 days of publication hereof to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than the 30th day following publication hereof. Communications should identify the section and paragraph on which comments, etc., are offered. All comments, suggestions, or objections will be considered before the final amendments are published. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Director, Child Nutrition Division, during the regular business hours (8:30 a.m. to 5:00 p.m.) (7 CFR 1.27(b)).

The proposed amendments, with the proposed effective date, are as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In § 210.10, paragraphs (f) and (g) are revised to read as follows:

§ 210.10 Requirement for lunches.

* * * * *

(f) FNS may approve foods as alternates for one or more of the foods or food components listed in paragraph (a)(1) of this section. The approval of such alternate foods shall be based upon their tested nutrient content and a determination that such alternate foods will assist in maintaining or enhancing the nutritional adequacy of the lunch. State educational agencies, or FNS Regional Offices where applicable, will be notified by FNS of any such alternate foods approved for use in the program and of the quantities to be served.

(g) FNS may approve variations in the food components of the type A lunch on an experimental or on a continuing basis in any school where there is evidence that such variations are nutritionally sound and necessary to meet ethnic, religious, economic, or physical needs. School food authorities may make substitutions in the foods listed in paragraph (a)(1) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume the listed foods. Such substitutions shall be made only when supported by a statement from a recognized medical authority which shall include recommended alternate foods.

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAM AND STATE ADMINISTRATIVE EXPENSES

2. In § 220.8, new paragraphs (d) and (e) are added to read as follows:

§ 220.8 Nutritional requirements for breakfasts.

* * * * *

(d) FNS may approve foods as alternates for one or more of the foods or food components listed in paragraphs (a) and (b) of this section. The approval of such alternate foods shall be based upon their tested nutrient content and a determination that such alternate foods will assist in maintaining or enhancing the nutritional adequacy of the breakfast. State educational agencies, or FNS Regional Offices where applicable, will be notified by FNS of any such alternate foods approved for use in the School Breakfast Program and of the quantities to be served.

(e) FNS may approve variations in the food components of the breakfast on an experimental or on a continuing basis in any school where there is evidence that such variations are nutritionally sound and necessary to meet ethnic, religious, economic, or physical needs. School food authorities may make substitutions in the foods listed in paragraphs (a) and (b) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume the listed foods. Such substitutions shall be made only when supported by a statement from a recognized medical authority which shall include recommended alternate foods.

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

3. In § 225.9, paragraphs (f) and (g) are revised as follows:

§ 225.9 Requirements for meals.

* * * * *

(f) FNS may approve foods as alternates for one or more of the foods or food components listed in subparagraphs (1), (2), and (3) of paragraph (b) of this section. The approval of such alternate foods shall be based upon their tested nutrient content and a determination that such alternate foods will assist in maintaining or enhancing the nutritional adequacy of the meals. State educational agencies, or FNS Regional Offices where applicable, will be notified by FNS of any such alternate foods approved for use in the program and of the quantities to be served.

(g) FNS may approve variations in the food components of the meals on an experimental or on a continuing basis in any school where there is evidence that such variations are nutritionally sound and necessary to meet ethnic, religious, economic, or physical needs. School food authorities may make substitutions in the foods listed in subparagraphs (1), (2), and (3) of paragraph (b) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume the listed foods. Such substitutions shall be made only when supported by a statement from a recognized medical authority which shall include recommended alternate foods.

Effective date. These amendments shall be effective upon publication (7-22-72).

Dated: July 17, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-11375 Filed 7-21-72;8:49 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 221]

VESSELS FOR FOREIGN ACCOUNT AND CERTAIN UNDOCUMENTED VESSELS

Blanket Approval for Construction and Transfer to Foreign Ownership and Registry

Notice is hereby given that the regulations set forth below in tentative form

are proposed to be prescribed by the Assistant Secretary of Commerce for Maritime Affairs under delegation of authority from the Secretary of Commerce. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to James S. Dawson, Jr., Secretary, Maritime Administration, Room 3099–B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 204 of the Merchant Marine Act, 1936 (46 U.S.C. 1114) and section 202 of Reorganization Plan No. 7 of 1961 (75 Stat. 840).

The proposed regulation would grant blanket approval under subsections (d) and (f) of section 37 of the Shipping Act, 1916 (40 Stat. 901; 46 U.S.C. 835), without the imposition of conditions, for the construction of vessels for foreign account and for the departure from the United States of vessels constructed in whole or in part in the United States, which have never cleared for a foreign port, before they have been documented under the laws of the United States. The proposed regulation would also grant blanket approval under section 37 of the Shipping Act, 1916, without the imposition of conditions, to certain other specified transactions with respect to undocumented vessels with an overall length of 65 feet or less. The proposed regulation would extend approval only under section 37 of the Shipping Act, 1916, and would not apply to the Export Administration Act of 1969.

Part 221 of Title 46, Chapter II, Code of Federal Regulations, is amended as follows:

1. Section 221.4 is amended to read as follows:

§ 221.4 Approval of certain transactions covered by section 37 of the Shipping Act, 1916.

The Department of Commerce, Maritime Administration hereby grants approval under section 37 of the Shipping Act, 1916, as amended (40 Stat. 901; 46 U.S.C. 835) to the following transactions:

(a) The sale, mortgage, lease, charter, delivery, or transfer and agreement for the sale, mortgage, lease, charter, delivery, or transfer to any person not a citizen of the United States of vessels having an overall length of 65 feet or less, or any interest therein, owned in whole or in part by any person a citizen of the United States, or by a corporation organized under the laws of the United States, or of any State, Territory, District, or Possession thereof, and which are not documented under the laws of the United States, or the last documentation of which was not under the laws of the United States;

(b) The transfer to or placing under foreign registry or flag of any such vessel;

(c) The making of agreements or the effecting of understandings whereby there is vested in or for the benefit of any person not a citizen of the United States, the controlling interest in or the majority of the voting power in a corporation which is organized under the laws of the United States or any State, Territory, District, or Possession thereof, and which owns such a vessel;

(d) The entrance into any contract, agreement, or understanding to construct any vessel within the United States for, or to be delivered to, a person not a citizen of the United States;

(e) The departure from any port of the United States of any vessel which was constructed in whole or in part within the United States, has not been documented under the laws of the United States, and has never cleared for any foreign port.

§§ 221.5 and 221.6 [Deleted]

2. Sections 221.5 and 221.6 are deleted.

3. The first sentence of subsection A of section II of the appendix following § 221.7 is amended to read as follows:

A. Transfer of vessels of 3,000 gross tons or over to either foreign ownership or registry or both except vessels covered by § 221.4 of this regulation.

§ 221.14 [Amended]

4. The words before the colon in § 221.14(a)(1) are amended to read as follows: "(1) Sale to an alien or transfer to foreign registry or both"; and (5) paragraph (a)(6) of § 221.14 is deleted.

Dated: July 20, 1972.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72–11491 Filed 7–21–72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71, 73]

[Airspace Docket No. 72–SW–48]

TEMPORARY JOINT-USE RESTRICTED AREA AND CONTROLLED AIRSPACE

Proposed Designation and Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Parts 71 and 73 of the Federal Aviation Regulations which would establish a temporary joint-use restricted area near Socorro, N. Mex., and alter the description of the continental control area in order to reflect the establishment of the restricted area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 15 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Air Force has requested the establishment of a temporary joint-use restricted area in the vicinity of Socorro, N. Mex. The proposed restricted area would be utilized during nighttime from October 1972 through April 1973 as published by NOTAM to serve as an impact area for the first stage booster and heat shields of Athena missile launches.

If these actions are taken, a temporary joint-use restricted area will be designated as follows:

SOCORRO, N. MEX.

Boundaries: Beginning at latitude 34°33'-00'' N., longitude 106°53'18'' W.; to latitude 34°19'12'' N., longitude 107°17'18'' W.; to latitude 34°11'24'' N., longitude 107°45'00'' W.; to latitude 34°32'48'' N., longitude 107°-55'36'' W.; to latitude 34°46'12'' N., longitude 107°34'00'' W.; to latitude 34°52'48'' N., longitude 107°08'12'' W.; to point of beginning.

Designated Altitudes: From surface to unlimited.

Time of Designation: From October 12, 1972, through April 12, 1973, during nighttime hours from 1800 to 0700 as published by NOTAM.

Controlling Agency: Federal Aviation Administration Albuquerque ARTC Center.

Using Agency: Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 20, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–11504 Filed 7–21–72;8:51 am]

[14 CFR Part 103]

[Docket No. 12057; Notice No. 72–18]

TRANSPORTATION OF HAZARDOUS MATERIALS

Proposed Requirements for Shipment of Etiologic Agents

By separate document published on page 14728, the Hazardous Materials Regulations Board issued a notice of proposed rule making (Docket No. HM–96; Notice 71–32) concerned in part with the immediate reporting of incidents involving etiologic agents. For the reasons stated in that notice, it is proposed

to make certain corresponding changes in Title 14, Code of Federal Regulations, Part 103 of the Federal Aviation Regulations as set forth below.

In consideration of the foregoing, it is proposed to amend 14 CFR Part 103 as follows:

In § 103.28, the introductory text of paragraph (a) would be amended; paragraph (a)(4) would be redesignated (a)(6); paragraph (a) (4) and (5) would be added to read as follows: (Paragraphs (a) (1), (2), and (3) remain the same; however, they are repeated below.)

§ 103.28 Reporting certain dangerous article incidents.

(a) Each carrier who transports dangerous articles shall report to the nearest ACDO, FSDO, GADO, or other FAA facility by telephone (except that for etiologic agents see subparagraph (5) of this paragraph) at the earliest practicable moment after each incident that occurs during the course of transportation (including loading, unloading, or temporary storage) in which as a direct result of any dangerous article—

(1) A person is killed;

(2) A person receives injuries requiring his hospitalization;

(3) Estimated carrier or other property damage, or both, exceeds $50,000;

(4) Fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment of radioactive material (see also § 103.23(b));

(5) Fire, breakage, spillage, or suspected contamination occurs involving shipment of etiologic agents. This report must be made at the earliest practicable moment, by telephone to the Director, Center for Disease Control, U.S. Public Health, Atlanta, Ga., area code (404) 633–5313.

(6) A situation exists of such a nature that, in the judgment of the carrier, it should be reported to the Department even though it does not meet the criteria of subparagraphs (1), (2), (3) of this paragraph; e.g., a continuing danger to life exists at the scene of the incident.

* * * * *

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before September 26, 1972, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on July 18, 1972.

JAMES F. RUDOLPH,
Board Member for the Federal Aviation Administration.

[FR Doc.72-11357 Filed 7-21-72;8:48 am]

Hazardous Materials Regulations Board

[49 CFR Part 171]

[Docket No. HM-96; Notice No. 72-9]

ETIOLOGIC AGENTS

Proposed Requirements for Shipment

On December 29, 1971, the Hazardous Materials Regulations Board published Docket No. HM-96; Notice No. 71-32 (36 F.R. 25163), proposed requirements for shipment of etiologic agents.

Since the proposal was published, the Department has been discussing the coordination of these proposed regulations with the Center for Disease Control, U.S. Public Health Service, Atlanta, Ga. The Center commented on the Board's proposal.

It is the opinion of the Board that, by utilizing the expertise of the Center for Disease Control, safer transportation and a higher level of public protection will result if there is more direct contact with the Center by a carrier in the event of an incident. The Center has an organization, manned on a 24-hour basis, capable of providing response information and guidance in the event of leakage in transportation of an etiologic material package.

The newly adopted Department of Health, Education, and Welfare label (37 F.R. 12915) would provide on-the-scene information regarding a telephone number to call for emergency information or assistance. Section 171.15, as proposed herein, would also contain this information. Immediate reporting of an incident involving etiologic agents would be made, not to the Department of Transportation, but to the Center for Disease Control, of the Department of Health, Education, and Welfare. Section 171.16 would be unchanged thereby requiring that the subsequent written report be made to the Hazardous Materials Regulations Board, Department of Transportation.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 171 as follows:

In § 171.15 paragraph (a), subparagraph (5) and the introductory text of paragraph (b) would be amended; paragraph (a)(6) would be added as follows: (For your guidance, paragraph (a) (1) through (4) is repeated below.)

§ 171.15 Immediate notice of certain hazardous materials incidents.

(a) * * *

(1) A person is killed;

(2) A person receives injuries requiring his hospitalization;

(3) Estimated carrier or other property damage exceeds $50,000;

(4) Fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment of radioactive material. (See also §§ 174.588(c)(1), 175.655(j)(3), and 177.861(a) of this subchapter.);

(5) Fire, breakage, spillage, or suspected contamination occurs involving shipment of etiologic agents; or

(6) A situation exists of such a nature that, in the judgment of the carrier, it should be reported in accordance with paragraph (b) of this section even though it does not meet the criteria of subparagraphs (1), (2), or (3) of this paragraph; e.g., a continuing danger to life exists at the scene of the incident.

(b) Each notice required by paragraph (a) of this section except one involving etiologic agents, shall be given the Department by telephone at Area Code (202) 426–1830. Notice involving etiologic agents shall be given the Director, Center for Disease Control, U.S. Public Health Service, Atlanta, Ga., Area Code (404) 633–5313. Each notice must include the following information:

* * * * *

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before September 26, 1972, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of Title 18, United States Code, section 9 of the Department of Transportation (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on July 18, 1972.

W. K. BYRD,
Deputy Director, Office of Hazardous Materials.

[FR Doc.72-11356 Filed 7-21-72;8:48 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[DES 72-72]

OUTER CONTINENTAL SHELF OFFSHORE LOUISIANA

Notice of Availability of Environmental Impact Statement and Public Hearing Regarding Possible Oil and Gas Lease Sale

JULY 20, 1972.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a possible Outer Continental Shelf general oil and gas lease sale of 135 tracts of submerged lands on the Outer Continental Shelf in the Gulf of Mexico offshore Louisiana.

The draft environmental statement is available for public review in the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Post Office Box 53226, New Orleans, LA 70153, and in the Office of Information, Bureau of Land Management (130), Washington, D.C. 20240. Copies are available for purchase from these offices for $2 per copy.

A composite map of the area of the Gulf of Mexico offshore Louisiana, upon which tracts being considered for leasing have been depicted and a listing of these tracts may be obtained at no charge from the above listed offices.

In accordance with 43 CFR 3301.4, a public hearing will be held beginning at 9 a.m. on August 22, 1972, in the Grand Ballroom, Sheraton Charles Hotel, 225 St. Charles Avenue, New Orleans, LA, for the purpose of receiving comments and suggestions relating to the possible lease sale. The hearing has been scheduled to extend through August 23.

The hearing will provide the Secretary with additional information from both the public and private sectors to help evaluate fully the potential effects of the possible offering of the 135 tracts on the total environment, aquatic resources, aesthetics, recreation and other resources in the entire area during the exploration, development and operation phases of the leasing program.

The hearing will also provide the Secretary, under section 102(2)(c) of the National Environmental Policy Act of 1969, with the opportunity to receive additional comments and views of interested State and local agencies.

Interested individuals, representatives of organizations and public officials wishing to testify at the hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above listed address by 4:15 p.m., August 18, 1972. Written comments from those unable to attend the hearing should be addressed to the Director (attention: 390), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. The Department will accept written testimony and comments on the draft environmental statement until September 5, 1972. This will allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations may make it necessary to limit the length of oral presentation. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed a final environmental statement will be prepared.

BURT SILCOCK,
Director,
Bureau of Land Management.

Approved:

W. W. LYONS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.72-11471 Filed 7-21-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

ANIMAL WELFARE ACT

List of Licensed Dealers

Pursuant to the provisions of the Act of August 24, 1966 ((Public Law 89-544), as amended by the Animal Welfare Act of 1970 (Public Law 91-579) (7 U.S.C. 2131 et seq.), the following dealers were licensed under said Act and regulations as indicated below:

ALABAMA

James C. and Opal K. Bagwell, Route 1, Box 180, Trinity 35673.
Paul E. Campbell, doing business as Pet Safari, 100 Broadway, Homewood 35209.
G. R. Floyd, Route 1, Box 235D, Irvington 36544.
Perron C. Mayo, 200 Beach Circle, Mountain Brook 35213.
Western Hills Pet Center No. 202, Inc., 30 Western Hills Mall, Fairfield 35064.

ARIZONA

Arizona Reptiles, 1216 North Scottsdale Road, Tempe 85281.
Southwestern Scientific Co., Tucson International Airport, Tucson 85706.

ARKANSAS

James R. Bias, doing business as Bias Kennels, 1120 Stagecoach Road, Little Rock 72204.
Ellis Chatterton, doing business as Hillside Kennels, Delmar Star Route, Harrison 72601.
George J. E. Holzwarth Co., Post Office Box 186, Fayetteville 72701.
Pel Freez Bio-Animals, Inc., Post Office Box 68, Rogers 72746.
Ray Robison, Route 1, Casa 72025.
Curtis T. Striegler, Route 2, Fayetteville 72701.

CALIFORNIA

Henry K. Knudsen, 12488 South Highway 50, Lathrop 95330.
University of Southern California, 2011 Zonal Avenue, Los Angeles 90033.

COLORADO

William B. Huey, Route 1, Box 6, Iliff 80736.
Birdie Belle Helmut, Route 2, Merino 80741.

CONNECTICUT

Joseph Bagliore, doing business as Montowese Cattery, 61 Quinnipiac Avenue, North Haven 06473.
Paul R. Boardman, doing business as Wallingford Laboratory Animals, 14 School House Road, Wallingford 06492.
Robert A. Dubois, Post Office Box 122, Thompson 06277.
Hertzler Enterprises, Inc., Box 98, Mansfield Center 06250.
Bernadette and Joseph LeClerc, partners, doing business as J and B Rabbitry, R.F.D. 1, Thompson Road, Thompson 06277.
Delphis J. and Claire E. Rock, Church Street, R.F.D. 2, Putnam 06260.
Frances Samolis, 236 Yale Street, Waterville 06714.
Conrad and Sylvia Theis, doing business as White Rock Farms, R.F.D. 4, Colchester 06415.

DELAWARE

Graylyn Pet Shop, 1731 Marsh Road, Wilmington 19810.
Hazel-Del Farms, Inc., R.F.D. 1, Box 168-B, Hartly 19953.

DISTRICT OF COLUMBIA

George Mazur Enterprises, Inc., 77 I Street SE., Washington 20003.

FLORIDA

Charles P. Chase Co., Inc., 7330 Northwest 66th Street, Miami 33166.
Dawson Research Corp., 114 West Grant Avenue, Orlando 32806.
Research Livestock Labs, Inc., Post Office Box 1643, North Miami 33161.
Ross Socolof Farms, Inc., Post Office Box 1321, Bradenton 33505.
Frank M. Thompson & Associates, Inc., 5704 First Avenue NW., Bradenton 33505.

IDAHO

Lewis-Clark Animal Shelter, Inc., Post Office Box 804, Lewiston 83501.
Stella Phippard, Route 1, Box 36, Athol 83801.

ILLINOIS

Harry G. Becker, doing business as Becker Kennels, Rural Route 2, Box 15, Edwardsville 62025.
Dr. F. W. Boebel, doing business as Sleepy Hollow Cattery and Kennel, Route 2, Box 73, Mundelein 60060.
Oscar V. and Alice B. Calanca, partners, doing business as Calanca's Beagles, Rural Route 1, Box 175, Grayslake 60030.
General Foods Corp., Rural Route 3, St. Anne 60964.
International Scientific Industries, Inc., 1818 Crystal Lake Road, Cary 60013.
Kraftco Corp., 801 Waukegan Road, Glenview 60025.
Robert R. Motsinger, doing business as Robert Motsinger Kennel, Rural Route 2, St. Joseph 61873.
Omis Beagle Kennels, 8438 Elevator Road, Roscoe 61073.
Bertha Peterson, 801 Greenwood, Waukegan 60085.
Research Industries Corp., Post Office Box 97, Route 1, Monee 60449.
Thompson Research Foundation, Route 1, Box 97, Monee 60449.
Lewis N. Warren, Box 125, Pana 62557.
Wedge's Creek Research Farm, 1810 Frontage Road, Northbrook 60062.

INDIANA

Mr. and Mrs. Donald Coval, doing business as Pin Oak Farm, Rural Route 3, Box 293, Sheridan 46069.
Engle Laboratory Animals, Inc., Rural Route 2, Farmersburg 47850.
Robert A. Everett, doing business as Oakdale Farm & Kennel, Route 5, Decatur 46733.
Paul Hamm Rabbitry, Rural Route 4, Box 331, Greenwood 46142.
Lowell E. Iliff, Post Office Box 191, Knightstown 46148.
Robert M. Miller, doing business as Miller's Kennels, Route 6, Box 80, Rushville 46173.
Murphy Breeding Laboratories, Inc., Rural Route 2, Box 416, Plainfield 46168.
James E. Nicely, Rabbitry, Rural Route 3, Box 249, Greenfield 46140.
David W. Wilson, doing business as Wilson Small Animal Farm, Rural Route 3, Box 65, Vincennes 47591.
Alton S. Windsor, doing business as Windsor Biology Gardens, Post Office Box 1210, Bloomington 47401.
Harry K. Zook, doing business as Maple Hill Kennel, Box 354, Morgantown 46160.

IOWA

Henry F. Bockenstedt, Route 1, Earlville 52041.
Jack W. Exline, doing business as Oak Point Kennel, Rural Route 2, Centerville 52544.
Earl Fox, Jr., Rural Route 3, Forest City 50436.
Dick Garner, Rural Route 4, Osceola 50213.
Coralea Hull, Rural Route 1, Weldon 50264.
Dave Irving, Route 1, Charlton 50049.
Mrs. Kenneth C. Johnson, Rural Route 2, Albia 52531.
Wendell Keeton, Route 3, Albia 52531.
Lauer's Enterprises, Inc., Route 1, Fredericksburg 50630.
Evelyn Lee, 106 Lee Street, Seymour 52590.
Wilmer L. Lyons, Route 1, Exline 52555.
Mrs. Cyril McDanel, Moravia 52572.
Mrs. Rose Murphy, Route 3, Council Bluffs 51501.
Ellis Noggle, Rural Route 2, Wilton Junction 52778.
Leona V. Rhoads, doing business as Rhoads Kennel, Muma 52572.
Liberty and Gladys Rocha, 1502 South 13th Street, Council Bluffs 51501.
Elmer B. Scherbring, Rural Route 2, Box 80, Earlville 52041.
Mrs. Maxine Shonts, Route 3, Centerville 52544.
Gertie V. Smith, doing business as Gertie Kennel, Rural Route 1, Centerville 52544.
Ruby Smith, Cincinnati 52549.
Lorene C. Tubaugh, doing business as Tubaugh's Saints, Route 1, Moravia 52571.
Violet M. and Ronald Ulmer, partners, doing business as Cottonwood Hill Kennel, Soldier 51572.
Ronald F. and Violett M. Welsh, partners, doing business as Welsh Kennels, Mystic 52574.

KANSAS

Mrs. Richard M. Bevitt, Barnes 66933.
Joseph Bloomer, Lebanon 66952.
Charles M. Brink, Route 2, Box 13, Paola 66071.
Alan Bruna, Hanover 66945.
Dr. William M. Bryant, Route 2, Washington 66968.
Ben H. Camden, Rural Route 4, Lawrence 66044.
Wilber R. Campbell, Box 221, Scranton 66537.
C and R Kennels, Inc., Box 128, Barnes 66933.
Dale A. Clark, Box 32, Barnes 66933.
Lyle L. and Theresa Clark, doing business as L and T's Kennel, Box 111, Greenleaf 66943.
Barry S. Doupnik, Agenda 66930.
Eldor I. Duensing, Box 116, Bremen 66412.
Leland Elliott, 400 West Second Street, Washington 66968.
Arvilla M. Fivian, Rural Route 1, Ottawa 66067.
Ernest Funke, Box 153, Washington 66968.
Judy Guilfoyle, doing business as Gull Kennels, Williamsburgh 66095.
Herman D. Hattesohl, Box 23, Linn 66953.
Monte and Gladys Huckett, doing business as Huckett's Kennels, Greenleaf 66943.
Robert F. Jandera, Rural Route 1, Hanover 66945.
Earl Johnston, 701 Genesee, Blue Rapids 66411.
Mr. and Mrs. William P. Kelley, Route 2, Clifton 66937.
Linda Ann Klozenbucher, Box 64, Washington 66968.
Arnold Lohmeyer, Palmer 66962.
Walter Moore, 107 South F Street, Washington 66968.
National Laboratories, 1721 Baltimore Avenue, Kansas City 64108.
John Nordquist, Blue Rapids 66411.
Mr. and Mrs. Walter H. Ohlde, Palmer 66962.
Doris M. Parker, Barnes 66933.
Mrs. Lloyd Pauli, Washington 66968.
Mrs. Dean Perkins, Box 7, Barnes 66933.
Kenneth Phillips, Route 1, Box 96, Edgerton 66021.
Leland Pitsch, Palmer 66962.
Mr. and Mrs. Warren Ricard, Route 2, Washington 66968.
Elver Richter, Box 83, Green 67447.
Dale Sappington, doing business as Sappington Research Animal Supply, 6021 Gibbs Road, Kansas City 66106.
Duaine E. Sawin, Route 1, Washington 66968.
Lon Silver, Morganville 67468.
Mrs. Billie Jo Smart, 619 Woodland Drive, Washington 66968.
Mrs. Floyd Sorrick, Jr., 300 East Sixth Street, Washington 66968.
Dan Specht, Route 2, Waterville 66548.
L. E. Stewart, Route 2, Waterville 66548.
Theracon, Inc., Box 1493, Topeka 66601.
Terry Trulicka, Rural Route 1, Box 94, Barnes 66933.
Doris Turk, 116 East Fifth Street, Washington 66968.
Matt Uhlik, Greenleaf 66943.
Gene Wenzl, Greenleaf 66943.
Mary Wiechman, Rural Route 1, Barnes 66933.
Raymond Wiechman, Rural Route 1, Barnes 66933.
Scott R. Willbrant, Route 2, Washington 66968.
Mrs. Thomas Wilson, Route 1, Hanover 66945.
Betty Zabokrtsky, 114 West Fourth Street, Washington 66968.

KENTUCKY

Walter T. Baker, Route 2, Water Valley 42085.
Kenneth W. Higgins, Route 2, Greenville 42345.
Julius Johnson, Star Route, Box 259A, Harlan 40831.
William A. Newman, Beech Creek 42321.
M. E. Northcutt, doing business as Goodwill Kennel, Route 5, Cynthiana 41031.
Lee R. Smith, doing business as S and S Research Animals, Route 1, Box 56, La Grange 40031.
James U. Williams, doing business as Williams' Kentucky Cavies, 7811 Dobson Road, Fern Creek 40291.

LOUISIANA

Gulf South Research Institute, Box 1177, New Iberia 70560.

MAINE

O. Clyde Hulit, 53 Longley Road, Westbrook 04092.
The Jackson Laboratory, Otter Creek Road, Bar Harbor 04609.

MARYLAND

Columbia Pet World, Inc., 1250 Columbia Mall, Columbia 21043.
Commando K–9 Detectives, Inc., Post Office Box 1281, Landover 20786.
Wilber Lee Eckert, Harney Road, Taneytown 21787.
Flow Laboratories, Inc., Post Office Box 2226, Rockville 20852.
Robert E. Hampson, Jr., Rural Delivery 2, Box 62–A, Emmitsburg 21727.
Charles William Moser, Route 3, Box 2000, Hagerstown 21740.
George W. Smith, Draper Mill Road, Goldsboro 21636.
Edgar E. Walls, Dr., Route 1, Box 57A, Centreville 21617.
Wheaton Pet Center, Inc., 2406 University Boulevard, Wheaton 20902.

MASSACHUSETTS

Harold E. Allison, doing business as Allison Acres, 305 Flat Hill Road, Lunenburg 01462.
Animal Research Center of Massachusetts, Charles Lane Road, New Braintree 01531.
Andre R. Auger, doing business as White Pine Rabbitry, West Street, East Douglas 01516.
The Charles River Breeding Laboratories, Inc., 251 Ballardvale Street, Wilmington 01887.
Connecticut Valley Biological Supply Co., Inc., Valley Road, Southampton 01073.
Darlene Corkum, 8 Ballard Street, Saugus 01906.
Country Kennels, Inc., 44 Francine Drive, Holliston 01746.
John S. Czepiel, 26 Paderewski Avenue, Chicopee 01013.
Dennen Animal Industries, Inc., 405 Essex Avenue, Gloucester 01930.
Dr. Orville H. Drumm, doing business as O'Malley Animal Hospital, 100 Boylston Street, Clinton 01510.
Faunalabs, Inc., 31 Wilkins Street, Hudson 01749.
Thomas Fazio Laboratories, Inc., Post Office Box 35, Assonet 02702.
Paul G. Ferris, 180 North Main Street, Middleton 01949.
Alvin C. Finch, doing business as Pineland Farm Kennels, 43 West Street, West Bridgewater 02379.
Robert V. Flagg, doing business as Flagg's Rabbit Farms, 407 Main Street, Oxford 01540.

Donald E. Gaulitz, 154 Pine Street, Franklin 02038.
Joseph and Marie Geoffroy, doing business as J & M Rabbitry, Wells Road, Brookfield 01506.
Larry Giordano, 70A Bonanno Court, Methuen 01844.
Samuel F. Hymel, doing business as Hymel's Rabbitry, R.F.D. 4, Cherry Street, Middleboro 02346.
Albert Izzo, doing business as Marlboro Country Rabbitry, 48 East Lincoln Street, Marlborough 01752.
Frank H. Jenks, 21 James Street, Feeding Hills 01030.
Sidney Katz, 92 Goodale Street, Peabody 01960.
Paul F. Kennedy, 26 Elm Street, Leominster 01453.
Robert L. Kydd, doing business as Elm Hill Breeding Lab, 71 Elm Street, Chelmsford 01824.
Joseph Laura, Jr., doing business as New England Rabbitry Supply, R.F.D. 3, North Middleboro 02346.
Vincent R. Malone, Keyes Road, Warren 01585.
Andrew Nicholas, doing business as Morningdale Rabbitry and Hatchery, 38 Stockton Street, Boylston 01505.
Albert J. Perry (Willow Valley Rabbit Farm), 129 East Coggeshall Street, Fairhaven 02719.
D. G. Robinson, Jr., doing business as Tumblebrook Farm, West Brookfield 01585.
Joseph S. Serwecki, doing business as Serwecki's Rabbitry, North Spencer Road, Spencer 01562.
E. Clarence Stevens, doing business as Stevens Rabbitry, 378 Reservoir Street, Holden 01520.
Kenneth R. Stuart, doing business as K & P Rabbitry, Mason Road, Jefferson 01522.
Donald P. Sundstrom, 38 Mill Road, Westborough 01581.
William R. Thibeault, East County Road, Rutland 01543.

MICHIGAN

H-Bar-B Beagles, Inc., 900 North Main Street, Mattawan 49071.
Grant Hodgins, doing business as Hodgins Kennel, 6110 Lange Road, Howell 48843.
Laboratory Research Enterprises, Inc., 6251 South Sixth Street, Kalamazoo 49001.
Leo N. and Betty A. Lahar, partners, doing business as Old Dependable German Shepherds, Route 4, Box 168, Pinconning 48650.
Stanley E. Morell, 5722 West Cass City Road, Cass City 48726.
Edward Radzilowski, doing business as Meadowbrook Farms and Co., 10426 Smith Creek Road, Memphis 48041.
Robert J. and Roberta L. Woudenberg, partners, doing business as R and R Research Breeders, Route 2, 19256 West Kendaville Road, Howard City 49329.

MINNESOTA

Delores N. Beise, 1102 Ramsey Street, Hastings 55033.
Melvin Beise, doing business as Beise Kennels, Route 1, Jordan 55352.
James P. Goebel, Janesville 56048.
Donald Hippert, Route 1, Kasson 55944.
Morris E. Hippert, New Ulm Mobile Village, 2526 South Bridge, Lot 22, New Ulm 56073.
Allen W. LaFave, 402 Third Street SE., East Grand Forks 56721.
Norman L. Larson, doing business as Wayside Kennels, Route 2, Box 449, Long Lake 55336.
Nick Reiland, Mazeppa 55956.
Math L. Serger, Route 2, Watkins 55389.

MISSISSIPPI

Dr. Joe G. Martin, 125 Martin Street, Ripley 38663.
Hollie Vanlandingham, doing business as V and B Animal Shelter, Post Office Box 133, Vardaman 38878.

MISSOURI

Wanda Barnfield, doing business as Bar-Wan Kennels, Post Office Box 158, Crocker 65452.
Hugh S. Carnell, Route 1, Rocky Comfort 64861.
Welton F. Gegg, Star Route 1, Box 75, Ste. Genevieve 63670.
Wilbert Gruenefeld, Route 1, Jonesburg 63351.
Woodrow W. Huffstutler, doing business as Ozark Research Supplier, Rural Route 3, Vienna 65582.
Irvin Johnston, Rutledge 63501.
Hollis Lawson, doing business as Colonial Acres, Route 1, Monett 65708.
Harold Miller, Granger 63442.
William Salts, doing business as Piney Hills Kennels, Box 190, Houston 65483.
Sho-Me Research Dogs, Inc., Rural Route 1, Hallsville 65255.

MONTANA

Emerald L. Miller, Box 137, Springdale 59082.
Betty Z. Price, Marion Stage Route, Foys Lake, Kalispell 59901.
Dr. Earl M. Pruyn, 1515 Livingston, Missoula 59801.
Fran and Polly Riggs, 405 First Street NE., Harlowton 59036.

NEBRASKA

Mr. and Mrs. Carl Dageforde, Rural Route 2, Hebron 68370.
Dwayne A. Elting, Carleton 68326.
Leonard Elting, Hebron 68370.
Keith Hindmarsh, 1816 Briarcliff, Fremont 68025.
Bryan L. Jones, doing business as Blue River Kennels, Box 205, Bladen 68928.
Mrs. William Packer, Route 2, Wood River 68883.
Eldora M. and Leonard A. Sasse, Diller 68342.
Emma Wright, Stamford 68977.

NEVADA

Boulevard Pet Center No. 207, Inc., 3622 Maryland Parkway, Las Vegas 89109.
Pet World, Inc., 2466–B East Desert Inn Road, Las Vegas 89109.
Rich and Lin Plaut, partners, doing business as Richlin's Dogge Circus Pet Center, 953A–29 East Sahara, Las Vegas 89109.

NEW HAMPSHIRE

John B. Simpson, Pike 03780.
Trustees of Dartmouth College, Post Office Box 31, Hanover 03755.

NEW JERSEY

Affiliated Medical Enterprises, Inc., Post Office Box 57, Princeton 08540.
James J. Barton, doing business as Barton's West End Farms, Rural Delivery 1, Box 241, Oxford 07863.
Bio-Science Resources, Inc., 1200 Railroad Avenue, Asbury Park 07712.
Joseph Byrnes, doing business as Valley Farms, Post Office Box 585, West Paterson 07424.
Camm Research Institute, Inc., 414 Black Oak Ridge Road, Wayne 07470.
Henry Christ, Rural Route 3, Box 208, Farmingdale 07727.
George Clauss, 18–19 Saddler River Road, Fair Lawn 07410.
Davidson's Mill Farm, R.F.D. 1, Box 184, Jamesburg 08831.
Deblin Farms, Inc., Post Office Box 369, Branchville 07826.
Harry L. Grohsman, doing business as New Windsor Farms, 447 Main Street, Lodi 07644.
Eric P. Gumperz, doing business as Chick Line Co., Post Office Box 5, Newfield 08344.
H.A.R.E. Rabbits for Research, Post Office Box 531, Hewitt, West Milford 07421.
John W. Jaeger, Post Office Box 345, Sussex 07461.
K–G Farms, Inc., 3651 Hill Road, Parsippany 07054.
Lakeview Hamster Colony, Post Office Box 85, Newfield 08344.
Marland Breeding Farms, Inc., Post Office Box 75, Wayne 07470.
Price Research Laboratory, Inc., 7300 North Crescent Boulevard, Pennsauken 08110.
Ridge Bio-Laboratories, Inc., 237 Morris Avenue, Springfield 07081.
Mrs. Kathleen Tinbergen, doing business as Sunrise Laboratory Animals, Rural Delivery 2, Ridge Road, Whitehouse Station 08889.
West Jersey Biological Supply, Inc., South Marion Avenue, Wenonah 08090.
Barbara A. Williams, doing business as Hilldale Farms, Rural Delivery 1, Box 728, Franklinville 08322.

NEW YORK

ArLouise Adams, Rural Delivery 2, Groton 13073.
Animals for Research, Inc., 12 Partners Road, Wappingers 12590.
Ronald M. Barlow, doing business as Barlow Research Animals, 1031 Cumberland Avenue, Syracuse 13210.
Albert G. Bean, Rural Delivery 3, Moravia 13118.
Claude L. Benjamin, doing business as Lake Brook Kennel, Hobart 13788.
William G. Conway, 185th Street and Southern Boulevard, Bronx 10460.
Cornell University, doing business as Cornell Dog Farm, Sapsucker Woods Road, Ithaca 14850.
LeRoy F. Edminster, Rural Delivery 1, Box 107A, Alpine 14805.
Edward G. Fabry, 2 Rose Court, New City 10956.
Food and Drug Research Laboratories, Inc., Post Office Box 107, Route 17, Waverly 14892.
Joseph and Florence V. Hezel, 162 South Main Street, Holland 14080.
Richard R. Hinderer, Rural Delivery 2, Ashville 14710.
George K. Holbert, Box 27, Sugar Loaf 10981.
David D. Howe, Box 104, Mount Upton 13809.
Kenneth H. Kenyon, doing business as Kenyon's Rabbit Farm, Rural Delivery 1, Hornell 14843.
Owen D. Kraham, Rural Delivery 1, Cooperstown 13326.
Krutulis Laboratories, Inc., Post Office Box 153, Bridgeport 13030.
Philip J. Lynk, Livingston 12541.
Marshall Research Animals, Inc., North Rose 14516.
The Mary Imogene Bassett Hospital, Cooperstown 13326.
Arthur Nersesian, doing business as Rock Mountain Valley Farm, Clove Valley Road, High Falls 12440.
Arthur Phillips, Rural Delivery 2, Box 386, Warwick 10990.
Larry Presti, doing business as Hidden Acres Boarding Farm, Post Office 37, Rock Tavern 12575.
Primate Imports Corp., 34 Munson Street, Port Washington 11050.
Henry K. Sherman, doing business as Sherman's Rabbit Ranch, Rural Delivery 2, Route 20, Nassau 12123.
Donald L. Smith, doing business as Don's Rabbitry, Box 15, Waterloo 13165.
Robert W. Steedman, 8363 North Road, LeRoy 14482.
Donald L. Stumbo, doing business as Stumbo Farm, Reed Road, Lima 14485.
Ward's Natural Science Establishment, Inc., 3000 Ridge Road East, Rochester 14603.
Eugene E. Wells, Box 174, Springfield Center 13468.
Annetta S. Wittmann, doing business as Wittmann's Rabbitry, Box 221, Main Street, Yaphank 11980.
F. J. Zeehandelaar, Inc., 450 North Avenue, New Rochelle 10801.

NORTH CAROLINA

Bio-Chemics Corp., Post Office Box 1250, Lumberton 28358.
Warren E. Bowes, doing business at Bowes Kennel, Route 4, Box 20, Roxboro 27573.
Barbara Z. Phillips, doing business as Pearcroft Cattery, Route 2, Box 185, Raleigh 27610.
Southeastern Laboratory Animal Farm, Inc., Route 1, Apex 27502.
John Dorkis Wise, doing business as Carolina Kennels, Route 2, Box 66A, Dunn 28334.

NORTH DAKOTA

Sylvia and Harry Anderson, partners, doing business as Green Acres Kennels, Route 2, Box 40 Ellendale 58436.
Louis Hitz, New Rockford 58356.
Elmer and ElDora Klose, doing business as El-Dor Kennels, Route 2, Box 54, Jamestown 58401.
Lloyd Sjostrom, Route 2, Jamestown 58401.
Jim and E. W. Oliver, Route 2, Box 4, Wahpeton 58075.
Dean R. Maus, Pet Center, 221 Broadway, Fargo 58102.

OHIO

All-Line Pet Centers, 1603 West Lane Avenue, Columbus 43221.
Paul Anthony, doing business as Kiser Lake Kennels, Route 1, Conover 45317.
Fern Baker, Box 35, East Monroe 45116.
Hubert P. Becker, Route 5, Box 548, Celina 45822.
Carrol Blue, doing business as Blue's Animal Farm, Route 1, Plain City 43064.
Harvey H. Bowman, Star Route, Millersburg 44654.
Margie Briley, Rural Delivery 2, Laurelville 43135.
Darrell and Clara Day, partners, doing business as K. and P. Kennels, Post Office Box 49, Bidwell 45614.
Betty J. Grimsley, Rural Route 2, Mount Sterling 43143.
Hazleton Research Animals, Inc., 5242 Crookshank Road, Cincinnati 45238.
Heights Pet World, Inc., 1763 Coventry Road, Cleveland Heights 44118.
James Garrett Johnson, doing business as The Briar Patch, 4092 Broadview Road, Richfield 44286.
Bill and Carol King, partners, doing business as King's Wheel Rabbitry, 8085 Camp Road, Route 5, Mount Vernon 43050.
Mary B. Krichbaum, doing business as Dog Patch Kennel, Route 1, Box 347, Ashland 44805.
Lake Erie Junior Nature & Science Center, 28728 Wolf Road, Bay Village 44140.
Garland L. and Susie I. Lanier, partners, Route 2, 307 Debby Drive, Gallipolis 45631.
Robert T. Leiboid and Dean E. Fitzwater, partners, doing business as Salem Mall Pet Center No. 184, 5200 Salem Avenue-Salem Mall, Trotwood 45426.
Franklyn A. Miller, doing business as Fin, Feather, and Fur Pet Shop, 326 South Chestnut Street, Barnesville 43713.
Mr. and Mrs. Horace L. Mitten, partners, doing business as Pine Drive Kennels, 256 East Jackson Street, Millersburg 44654.
Manny Peer doing business as Lake-West Pet and Supply, 1310 West 110th Street, Cleveland 44102.
A. W. Sterrett, doing business as A. W. Sterrett Laboatory Animals, 2224 Savoy Avenue, Akron 44305.
Ken Stollar and Ray Love, partners, doing business as Belpre Aquarium Supply, 714 Washington Boulevard, Belpre 45714.
P. H. and R. W. Taylor, doing business as Sweetwater Farm, Post Office Box 293, Hillsboro 45133.
Bessie Van Sickle, doing business as Sunny Hill's Kennel, Route 4, Box 164, Logan 43138.
Mrs. John Vincent, Rural Delivery 3, Box 41, Athens 45701.

OKLAHOMA

Charles Alexander, doing business as Alexander's Kennels, Route 2, Box 88, Wynnewood 73098.
Joyce and Everitt Allen, doing business as Puppy Haven Kennel, Route 2, Box 131, Bartlesville 74003.
Dorothy Bernet, Box 172, Claremore 74014.
Len Bilke, 206 "I" Southeast, Miami 74354.
L. S. Bitters, Rural Route 4, Vinita 74301.
Cecil Bonds, Cheyenne 73628.
Marilyn J. Carter, Route 2, Box 363, Claremore 74017.
Kenneth C. Gahagan, Route 1, Box 127, Drumright 74030.
Mary L. Grigsby, doing business as Mary's Kennel, 512 A Street Southwest, Miami 74354.
Jack Harding, Route 1, Box 92A, Lexington 73051.
John W. Isern, doing business as Jackson County Biological Supply Co., 210 South Hudson, Altus 73521.
Vickie Johnson, Box 94, Route 2, Okmulgee 74447.
W. B. Luck, Route 4, Box 552, Muskogee 74401.
Dr. Tom Luker, doing business as Cherokee Kennels, 2800 Center, Tulsa 74105.
Oneta J. Moore, Route 1, Okemah 74859.
Mrs. Merle Neil, Box 253, Welch 74369.
Evelyn Nix, Route 1, Box 177, Vinita 74301.
Jean Reed, doing business as Reed's Kennels, Route 2, Box 364, Sand Springs 74063.
Mary Ann Reese, doing business as Reese's Dog Kennel, Route 1, Box 28, Watts 74964.
Margie Scism, Route 1, Box 163B, Morris 74445.
Mrs. Margaret Sims, doing business as Sims Kennel, 1002 South Osage, Okmulgee 74447.
Raymond Southerland, Jr., doing business as Valley View Kennels, Post Office Box 1613, Tulsa 74101.
C. A. and Lora Sprinkles, partners, Route 2, Box 100A, Okmulgee 74447.
Fern F. Weeks, Route 1, Westville 74965.
Linda K. Wilkerson, Route 2, Tecumseh 74873.

OREGON

Ramon R. Adney, Post Office Box 340, Hubbard 97032.
David R. Berry, doing business as La Berry Kennels, Route 1, Box 242, Coos Bay 97420.
June Bozeman, doing business as Bozeman's Allegany Kennels, 456 North Coos River Road, Coos Bay 97420.
Betty Carlson, 475 Freeman Road, Central Point 97501.
Mrs. Mandus Carlson, 3500 Bailey Hill Road, Eugene 97405.
Betty A. Conner, doing business as Mee Jae Kennels, 2580 Kincaid Road, Williams 97544.
James W. Dennis, Post Office Box 237, Gaston 97119.
Donald D. and Patricia J. Dixon, partners, doing business as Triple D Rabbitry and Processing, Route 2, Box 1719, Sandy 97055.
Mr. and Mrs. Guy Gillaspey, doing business as Black Star Kennels, 605 Missouri Flat Road, Grants Pass 97526.
Bernarr and Christa Hansen, doing business as Hansen's Kennel, Route 1, Box 697A, Roseburg 97470.
Maxine Jackson, doing business as The Jackson Kennels, 950 Garfield Street, Coos Bay 97420.
Carol Lackey, doing business as Ron-Del Kennels, 3455 Jacksonville Highway, Medford 97501.
Mrs. Mary Lambert, doing business as Mary Lambert Kennel's, 470 California Avenue, Grants Pass 97526.
Richard R. Lubbers, doing business as Evergreen Rabbitry, 3499 Gilham Road, Eugene 97401.
Faye M. Miles, Post Office Box 701, Coos Bay 97420.
Mary L. Milhoan, doing business as Rogueland Kennel, 1272 Gibbon Road, Central Point 97501.
Grover T. Mulkey, doing business as Rock Cove Kennels, 2271 Rogue River Highway, Gold Hill 97525.
Gerald E. Patterson, doing business as Twin Oaks Kennel, 20066 Antioch Road, Central Point 97501.
Robert G. Shoemake, doing business as R. G. Kennels, 3014 Southwest Florida, Portland 97219.
Mrs. John E. Smith, 5358 South Pacific Highway, Medford 97501.
Doris M. Sorensen, doing business as Waldo Kennels, 1720 Prune, Medford 97501.
Cynthia Stine, doing business as Dogpatch Kennels, Star Route, Box 60, Winston 97496.
Mary E. Thedos, 2688 North Bay Drive, North Bend 97459.
Jincy D. Van Ronk, doing business as V and R Research Animals, Route 3, Box 175, Newberg 97132.
Beulah White, Post Office Box 654, Jacksonville 97530.
Joyce Williams, doing business as Laurel Acres Kennel, 9680 Blackwell Road, Central Point 97501.
Mr. and Mrs. Roger D. Wilson, doing business as Willoglen Kennel, 82143 North Davison Road, Creswell 97426.

PENNSYLVANIA

Buckshire Corp., 2025 Ridge Road, Perkasie 18944.
Carney Laboratory Kennels, Inc., Post Office Box 45, Bedminster 18910.
Denver Serum Co., Box 139, Denver 17517.
Dierolf Farms, Inc., Post Office Box 26, Boyertown 19512.
Sam Esposito, doing business as Quaker Farm Kennels, Rural Delivery 1, Box 137A, Quakertown 18951.
William C. Fleming, doing business as Deb-Mar Petland, 358 Greengate Mall, Greensburg 15601.
Betty Free, 1339 Richland Pike, Rural Delivery 4, Quakertown 18951.
Fletcher Funkhouser, Route 2, Jonestown 17038.
Gilbertsville Sales Stables, Marlin U. Zartman, Owner, Gilbertsville 19525.
Haycock Kennels, Inc., Rural Delivery 4, Quakertown 18951.
Charles A. Hockenberry, doing business as Perry Valley Kennels, Blain 17006.
Russell B. Hutton, Rural Route 1, St. Thomas 17252.
M. L. Kredovski, doing business as Lone Trail Kennels, Post Office Box 46, Friedensburg 17933.
John C. Lowrey, doing business as Dalmatian Research Foundation, 720 Woodberry Road, York 17403.
George E. Miller, Rural Delivery 2, Palmyra 17078.
Neamand's White Eagle Farm Corp., 2015 Lower State Road, Doylestown 18901.
Pet World, 1324 East Carson Street, Pittsburgh 15203.
George F. Pierce, doing business as Pleasant View Kennel, Box 131, Rural Delivery 3, Hummelstown 17036.
Rachelwood Wildlife Research Preserve, Rural Delivery 1, New Florence 15944.
Howard W. Reber, R.F.D. 2, Pine Grove 17963.
Bruce K. Rotz, Rural Delivery 2, Shippensburg 17257.
Mrs. Anna Smith, doing business as Bloomingdale Kennels, Rural Delivery 2, Lehighton 18235.
Three Springs Kennel Co., Inc., Rural Delivery 1, Zelienople 16063
Marlin U. Zartman, doing business as Zartman's Farms, Rural Delivery 2, Box 3, Douglassville 19518.

RHODE ISLAND

John I. Andrew, doing business as John I. Andrew & Son Rabbitry, 475 Hooper Street, Tiverton 02878.
James Leo Burke, doing business as Shangri-La Kennels, 750 Greenville Avenue, Johnston 02919.
Arthur L. Dunbar, Box 15, Vaughn Hollow Road, Greene 02827.
William E. and Pearl E. Nightingale, doing business as Gloucester Rabbitry, Mount Hygeia Road, Chepachet 02814.
Andrew B. Perra, doing business as A & B Rabbitry, 1429 Centerville Road, West Warwick 02893.

TENNESSEE

William L. Hargrove, Jr., West Avenue, Medina 38355.
James B. Wampler, Post Office Box 991, Cleveland 37311.

TEXAS

Robert L. Appling and Melvin Etzel, partners, doing business as Gibson Pet Shop, 900 East Highway 83, McAllen 78501.
Baylor College of Medicine, 1200 Moursund Avenue, Houston 77025.
Elmo Breshears, doing business as Pet City, 3787 Leopard Street, Corpus Christi 78408.
Daniel C. Brown, doing business as Docktor Pet Center No. 193, 5436 Padre Staples Mall, Corpus Christi 78411.
Fredrick C. Burgess, doing business as Docktor Pet Center, 604 Sher Den Mall, Sherman 75090.
Dr. Lavell T. Davis, 2500 West Morton, Denison 75020.
Granville Dawson, Post Office Box 181, Caldwell 77836.
Joe Evridge Animals, Route 3, Box 206, Comanche 76442.
Leon Leopard, doing business as Vivo Animals, Post Office Box 7352, Waco 76710.
F. L. and I. B. Lindenthal, partners, doing business as Thunderbird Kennels, 7229 Barker Road, El Paso 79915.
Otto Martin Locke, Post Office Drawer 731, New Braunfels 78130.
Dr. J. L. Markham, doing business as Markham Veterinary Clinic, Box 7, Canyon 79015.
Carmon Nichols, doing business as C–N Kennel, 103 Elm Street, Bonham 75418.
C. E. and Alma A. Ogg, partners, doing business as Big "O" Rabbitry, Route 3, Box 243, Orange 77630.
Parks and Recreation Department, Box 2000, City Hall, Lubbock 79457.
George Pierce, doing business as Clayco Kennels, Henrietta 76365.
Melton D. Stanley, doing business as Stanley Kennel-Game-Pets, Route 2, Box 29, Rising Star 76471.
Ernest Troop, doing business as Troop's Pet Shop, Box 51, Bruni 78344.

UTAH

Allison Kennels, 3802 West 9000 South, West Jordan 84084.
Roy J. Boucher and Glenn C. Harkins, doing business as G and R Calf Palace, 1952 East 9800 South, Sandy 84070.
Thomas F. Imlay, doing business as Animals for Research, 4996 South Redwood Road, Murray 84107.
Mrs. Urban C. Tramp, 924 North Harrisville Road, Ogden 84404.
Mrs. Melva Ward, doing business as Melvern Kennels, 500 West 11400 South, Sandy 84070.

VERMONT

William Duby, Colchester 05446.
Rosaire Paradis, R.F.D. 1, Enosburg Falls 05450.

VIRGINIA

ANTEC Corp., Post Office Box 909, Leesburg 22075.
William R. and Thelma C. Baker, 3818 Granby Street, Norfolk 23504.
David R. Ball, doing business as I.T.F. Co., 8355 Sudley Road, Manassas 22110.
Cappet Corp., 530 North Henry Street, Alexandria 22314.
J. C. Corell, doing business as Old Dominion Cavy Farm, Route 1, Box 213, Waynesboro 22980.
Sidney J. Edwards, doing business as Edwards Kennel, 4401 Greendell Road, Chesapeake 23321.
Joe Haley, doing business as Haley Farm, Route 4, Box 397, Gretna 24557.
Heretick Feed and Seed Store, 417 South 15th Avenue, Hopewell 23860.
Noel E. Leach, doing business as Leach Kennels, Route 3, Box 70, Chase City 23924.
Freel P. Mullins, Route 1, Box 178, Clintwood 24228.
Jack T. Musick, 2333 Shakeville Road, Bristol 24201.
Robert J. Powell, Jr., doing business as Cherry Grove Rabbit Ranch, Bell Creek Road, Mechanicsville 23111.
Martin L. Roy, doing business as Roy's Rabbitry, Route 2, Box 27B, Warrenton 22186.
Earl Saunders, doing business as Myers Creek Kennel and Supply Co., Route 2, Box 666, Lancaster 22503.
Earl A. Stinson, doing business as Bunker Hill Rabbitry, Route 1, Box 68E, Unionville 22567.
C. W. Stultz, doing business as Stultz Pet Center, 4447 Fontaine Drive SW., Roanoke 24018.
John F. Thompson, Route 2, Box 63, Saltville 24370.
Weston Research Laboratories, Inc., Route 1, Box 33, Purcellville 22132.
S. B. York, Jr., Route 14, Box 125, Richmond 23231.

WASHINGTON

City of Colfax, Post Office Box 229, Colfax 99111.
H. D. Cowan, doing business as Showline Beagles, 18015 140th Avenue SE., Renton 98055.
Robert L. Dry and Margot F., partners, doing business as Berliner Zwinger Kennels, Route 1, Box 302, Colbert 99005.
JoAnne M. Griswold, 14806 11th Avenue, Court E, Tacoma 98445.
William M. Moery, 6425, 208th Avenue NE., Redmond 98052.
H. C. Thuline, doing business as Physicians Laboratory Services, 8205 104th Street SW., Tacoma 98498.
Town of Colton, Colton 99113.
John C. Wilcox, 26601 Pacific Highway South, Kent 98031.

WEST VIRGINIA

William Custer, doing business as Custer's Kennels, 1073 McColloch Street, Wheeling 26003.
Everett Hill, 2878 Owlsey Gap Road, Barboursville 25504.
Mike McCormack and Jim Dinwiddie, doing business as Kaboom Kennels, 234 Daugherty Drive, Barboursville 25504.

WISCONSIN

Wayne Anderson, Route 2, Box 160, Richland Center 53581.
Fred J. Barr, doing business as Barr Beagle Kennels, Route 2, Greenwood 54437.
Louis S. Duellman, doing business as Hilltop Rabbitry, Route 5, Manitowoc 54220.
Walter Peuschel, 13101 North Wauwatosa Road, 76 West, Mequon 53092.
Ridglan Farms, Inc., 301 West Main Street, Mount Horeb 53572.
C. M. Stoller, doing business as Charone Animal Ranch, Post Office Box 993, Racine, 53405.
Leonard Tauber, Route 1, Waldo 53093.

WYOMING

Mrs. Naomi Sanders, Box 127, Lagrange 82221.

Done at Washington, D.C., this 18th day of July.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.72–11374 Filed 7–21–72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Child Development

HEAD START NATIONAL ADVISORY COMMITTEE

Notice of Meeting

There will be a meeting of the newly established Head Start National Advisory Committee which was approved by the Secretary of Health, Education, and Welfare to advise the Director of Project Head Start on matters related to the planning, conduct, and direction of Head Start Programs. The meeting is scheduled for July 24–26, 1972, 9 a.m. to 5 p.m., Manger Hamilton Hotel, 14th and K Streets NW., Washington, DC, and is open to the public. Our first meeting will be an orientation of the National Head Start Office and an opportunity to meet the key people in the Office of Child Development. We will work on the organization of the committee itself and develop a systematic process for the conduct of its activities.

Dated: July 18, 1972.

ROSE M. GREENE,
Executive Secretary.

[FR Doc.72–11366 Filed 7–21–72;8:48 am]

Public Health Service

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Notice of Public Meeting of Regional Health Advisory Committee

Pursuant to Executive Order 11671, the Administrator, Health Services and Mental Health Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of July 1972, in accordance with provisions set forth in section 13(a) (1) and (2) of that Executive order:

Committee name	Date/Time/Place	Type of meeting and/or contact person
Regional Health Advisory Committee, Region II.	7/26, 9:30 a.m., 26 Federal Plaza, Room 3105, New York, NY.	Open, except for reviewing grant applications. Contact Irene Johnson, Code 212—264–4493.

Purpose. The committee is charged with providing advice and guidance to the Regional Health Director on regional health policies, programs, and plans. Undertakes substantial review, study, and deliberation on those broad major health and health-related problems and opportunities which confront the region. Additionally, the committee reviews and makes recommendations to the Regional Health Director on grant applications for areawide comprehensive health planning.

Agenda. Agenda items will cover policy issues of a general nature; a status report on comprehensive health planning appropriation and regional office objectives for fiscal year 1973; and a status report on the Hill-Burton Loan program. The committee will review grant applications for areawide comprehensive health planning projects, and that portion of the meeting will be closed to the public, as determined by the Secretary of Health, Education, and Welfare on June 24, 1972, in accordance with the provisions of Executive Order 11671, section 13(d).

Items for discussion are subject to change due to priorities as directed by the President of the United States, or the Secretary of Health, Education, and Welfare.

A roster of members and a summary of that portion of the meeting closed to the public, may be obtained from the contact person listed above.

Dated: July 14, 1972.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.72-11331 Filed 7-21-72;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-368]

ARKANSAS POWER & LIGHT CO.

Notice of Availability of Applicant's Supplemental Environmental Reports and AEC's Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicant's Supplement No. 1 to Environmental Report," and "Supplement No. 2 to Environmental Report," (collectively "the report"), for Arkansas Nuclear One, Unit 2, submitted by the Arkansas Power & Light Co. have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Arkansas River Valley Regional Library, Dardanelle, Ark. 72834. The report is also being made available at the Arkansas Planning Commission, Room 300, Game and Fish Commission Building, Little Rock, Ark. 72201, and the West Central Arkansas Planning and Development District, Municipal Building, Box R, Hot Springs, AR 71901. This report discusses environmental considerations related to Arkansas Nuclear One, Unit 2, located on the Dardanelle Reservoir on the Arkansas River in Pope County, Ark. This report supersedes the September 10, 1970, Arkansas Nuclear One—Unit 2 Environmental Report in its entirety.

The report has been analyzed by the Commission's Directorate of Licensing and a Draft Environmental Statement related to Arkansas Nuclear One, Unit 2, dated June 1972, has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's Draft Environmental Statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Interested persons may, within thirty (30) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the proposed action, the report, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the report and the Draft Environmental Statement (local agencies may obtain these documents on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 19th day of July 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Directorate of Licensing.

[FR Doc.72-11472 Filed 7-21-72;8:50 am]

[Dockets Nos. 50-250, 50-251]

FLORIDA POWER & LIGHT CO.

Notice of Availability of Final Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Final Statement on Environmental Considerations by the Directorate of Licensing, U.S. Atomic Energy Commission, Related to Operation of the Turkey Point Nuclear Plant, Units 3 and 4," is being placed in the following locations where it will be available for inspection by members of the public: The Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545 and in the Lily Lawrence Bow Public Library, 212 NW. First Avenue, Homestead, FL 33030. The final statement is also being made available at the Department of Administration, State Planning and Development Clearinghouse, 725 South Bronough Street, Tallahassee, FL 32304 and at the Metropolitan Dade County Planning Department, 702 Justice Building, 1351 NW. 12th Street, Miami, FL 33125.

The notice of availability of the draft detailed statement for the Turkey Point Plant and request for comments from interested persons was published in the FEDERAL REGISTER on February 16, 1972, 37 F.R. 2467. The comments received from Federal, State, local officials, and interested members of the public have been included as appendixes to the final statement.

Single copies of the statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 19th day of July 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Directorate of Licensing.

[FR Doc.72-11419 Filed 7-21-72;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24616; Order 72-7-57]

AIRLIFT INTERNATIONAL, INC., ET AL.

Order of Investigation and Suspension Regarding Increased Joint Minimum Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of July 1972.

By tariff revisions filed June 10, and marked to become effective July 19, 1972, Western Air Lines, Inc. (Western) jointly with Airlift International, Inc., Continental Air Lines, Inc., Eastern Air Lines, Inc. (Eastern), Frontier Airlines, Inc., Hughes Air Corp., doing business as Air West, North Central Airlines, Inc., Northwest Airlines, Inc. (Northwest), Ozark Air Lines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., propose to increase their joint minimum charges from $12 ($12 or the charge for 50 pounds, whichever is higher, in the instance of Eastern) to a flat dollar charge of $15 per shipment between points in Alaska and points in the 48 contiguous States. Also, by tariff revisions filed June 23 and marked to become effective July 23, 1972, Western proposes, in conjunction with American Airlines, Inc., Delta Air Lines, Inc., and National Airlines, Inc., to increase joint minimum charges from $12 to $15 per shipment and Eastern proposes, in conjunction with Alaska Airlines, Inc., and Northwest, to revise joint minimum charges from $12 or the charge for 50 pounds, whichever is higher, to a flat dollar charge of $15 per shipment. Both of the latter proposals would apply between points in Alaska and points in the continental United States.

The carriers support their proposals by stating, inter alia, that the proposed

minimum charges per shipment are the same as minimum charges currently in effect between Western and certain other carriers publishing joint rates to/from Alaska.

No complaints have been filed against the proposals.

Upon consideration of all relevant factors, the Board finds that the proposed joint minimum charges may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.[1] The Board further concludes that the proposed minimum charges should be suspended pending investigation.

The increases herein proposed are substantial, amounting to as much as 25 percent above the currently effective joint minimum charges.[2] The Board will not permit such increases to become effective in the absence of thorough justification. The proposed increases may have a significant impact upon shippers and consumers in Alaska. Yet, the carriers, as noted above, have not presented any cost data or other supporting statement purporting to indicate their need and have relied on the mere assertion that the proposed charges are currently in effect for other carriers. The Board, by Order 72–6–68, recently rejected increased joint minimum charges proposed by a number of carriers between points in the 48 contiguous States. The Board states in that order that "* * * we had no intention to authorize increases in interline minimum charges * * * in the absence of an economic showing in support thereof." We believe that this principle applies equally to the instant proposal.

In addition, an examination of the tariffs reveals that a number of carriers, which were parties (except in one instance) to Docket 20398, Minimum Charge Per Shipment of Air Freight Investigation, involving service within the 48 contiguous States, have in effect, and would continue to have in effect, minimum charges per shipment based on the charge for 50 pounds to, from, or within Alaska. The Board in the investigation in Docket 20398 found minimum charges based on the charge for 50 pounds to be arbitrary, and to result in excessive charges, and the rule was directed to be canceled. It appears to the Board that our findings in that docket are also applicable to these tariffs involving Alaskan points. The Board therefore requests that the carriers concerned examine these rules with a view to deleting the 50-pound rule as the Board has required within the 48 contiguous States.

[1] The proposed increased charges would automatically be under investigation in Docket 22859, Domestic Air Freight Rate Investigation, but only to the extent that they would apply between Anchorage, Fairbanks, Juneau, or Ketchikan, on the one hand, and points in the 48 contiguous States on the other.

[2] Eastern's proposals, in conjunction with Alaska Airlines, Northwest, and Western would drop the charge for 50 pounds while increasing the minimum from $12 to $15. This will not result in increases in smaller shipments at the longer hauls.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the joint minimum charges described in Appendixes A and B hereto,[1] and rules, regulations, and practices affecting such charges, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges, and rules, regulations, or practices affecting such charges;

2. Pending hearing and decision by the Board, the joint minimum charges described in: (1) Appendix A hereto are suspended and their use deferred to and including October 16, 1972; (2) Appendix B hereto are suspended and their use deferred to and including October 20, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board:

3. The proceeding herein, Docket 24616, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Airlift International, Inc., Alaska Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hughes Air Corp., doing business as Air West, National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are hereby made parties to Docket 24616.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–11372 Filed 7–21–72;8:49 am]

[Docket No. 23694]

SERVICIO AEREO DE HONDURAS, S.A. (SAHSA)

Notice of Hearing Regarding Amendment of Foreign Air Carrier Permit

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 18, 1972, at 10 a.m., d.s.t. in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., June 29, 1972.

[SEAL] WILLIAM H. DAPPER,
Hearing Examiner.

[FR Doc.72–11358 Filed 7–21–72;8:48 am]

[1] Appendixes A and B filed as part of the original document.

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Regional Operations), Office of the Secretary, Office of the Assistant Secretary (Community and Field Services).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–11347 Filed 7–21–72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Policy Development), Office of the Secretary, Office of the Assistant Secretary (Community and Field Services).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–11348 Filed 7–21–72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Community Development, Office of the Assistant Secretary for Community and Field Services, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–11351 Filed 7–21–72;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Program Services, Office of the Assistant Secretary for Community Development, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-11349 Filed 7-21-72;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Program Support, Office of the Assistant Secretary for Community Development, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-11352 Filed 7-21-72;8:47 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Public Affairs Director, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-11350 Filed 7-21-72;8:47 am]

DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Solicitor, Office of the Solicitor, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-11353 Filed 7-21-72;8:47 am]

DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Wage and Labor Standards, Office of the Assistant Secretary for Wage and Labor Standards.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-11354 Filed 7-21-72;8:48 am]

FEDERAL RESERVE SYSTEM

DACOTAH BANK HOLDING CO.

Order Approving Acquisition of Lemmon Insurance Agency, Inc.

Dacotah Bank Holding Co., Aberdeen, S. Dak., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire voting shares of Lemmon Insurance Agency, Inc., Lemmon, S. Dak. (Lemmon Agency), a company that engages in the activities of a general insurance agency in a community of less than 5,000 persons. Such activity has been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 F.R. 10757). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, the third largest banking organization in South Dakota, controls five banks with aggregate deposits of $48 million, representing 3 percent of the total of commercial bank deposits in the State. (All banking data are as of December 31, 1971, and represent bank holding formations and acquisitions through June 30, 1972.)

The Board approved applicant's acquisition of the Bank of Lemmon, Lemmon, S. Dak. (deposits of $9.3 million), on April 29, 1970 (1970 Bulletin 464). Lemmon Agency shares the quarters of Bank's main office in Lemmon (1970 population—1,997) and also has an office at the Bank's branch in Bison (1970 population—406). The building housing Bank's Bison office is the principal asset of Lemmon Agency, accounting for $176,000 of its $200,000 of total assets. Prior to the organization of Lemmon Agency in 1965, Bank engaged directly in the insurance agency business.

Although applicant has five insurance agency subsidiaries, the closest agency to Lemmon Agency is 90 miles away. It is unlikely that consummation of the proposal would eliminate any existing competition nor does it appear likely that potential competition would be eliminated.

There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, or unsound banking practices. Approval of the application would enable Applicant and Bank to continue to provide a convenient source of insurance agency services in two communities, each with a population of less than 5,000.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that consummation of the proposal herein can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective July 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-11327 Filed 7-21-72;8:45 am]

MID AMERICA BANCORPORATION, INC.

Acquisition of Bank

Mid America Bancorporation, Inc., St. Paul, Minn., has applied for the Board's approval under section 3(a)(3) of the

[1] Voting for this action: Chairman Burns and Governors Robertson, Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of First State Bank of Coon Rapids, Coon Rapids, Minn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 7, 1972.

Board of Governors of the Federal Reserve System, July 18, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-11328 Filed 7-21-72;8:45 am]

OPPENHEIMER INDUSTRIES, INC.

Nonbanking Activities

Oppenheimer Industries, Inc., Kansas City, Mo., has applied, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843(d)), for an exemption from the provisions of the Act limiting the nonbanking activities of a bank holding company. Applicant asserts it controls directly and indirectly 29 percent of the voting shares of Farmers Bank of Green City, Green City, Mo.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 18, 1972.

Board of Governors of the Federal Reserve System, July 18, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-11329 Filed 7-21-72;8:45 am]

UNITED JERSEY BANKS

Acquisition of Bank

United Jersey Banks, Hackensack, N.J., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of United Jersey National Bank of Ocean County, Lakewood, N.J., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than August 7, 1972.

Board of Governors of the Federal Reserve System, July 18, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-11330 Filed 7-21-72;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

[B2C-5385]

DAY CARE POLICY STUDY, TO EDUCATIONAL TESTING SERVICE, PRINCETON, N.J.

Notice of Contract Award

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2946, this agency announces the award of contract B2C-5385, entitled Day Care Policy Study, to Educational Testing Service, Princeton, N.J. 08450, for the purpose of performing research on the long- and short-term impact on the child of different specific types of family and center day care programs. Estimated cost is $803,252 and the intended completion date is December 29, 1973.

WESLEY L. HJORNEVIK,
Deputy Director.

[FR Doc.72-11335 Filed 7-21-72;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 605]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 17, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix below, if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above-alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

18–C2–P–73—Airsignal International, Inc. (KAF245), for additional facilities to operate on 43.58 MHz at a new site described as location No. 3: 15501 Swearingen Road, Independence, MO.

20–C2–P–73—Peoples-United Telephone Co. (KGH863), 1.6 miles south-southeast of Butler, Pa., consent to assignment of license from Peoples-United Telephone Co., assignor, to The United Telephone Co. of Pennsylvania, assignee.

21–C2–P–73—Southwestern Bell Telephone Co. (KKI444), change the antenna system and correct station coordinates operating on 152.57 MHz located at 4.5 miles west of Elk City, Okla., also replace transmitter for same.

19–C2–P–(5)–73—General Telephone Co. of Florida (KRS647), add two additional base transmitters to operate on 152.57 and 152.72 MHz, add test frequencies 157.77 and 158.01 MHz and reduce the effective radiated power on the two existing 152.54 and 152.60 MHz base facilities at station located at Cleveland Avenue and Betty Lane, Clearwater, Fla.

9486–C2–AL–72—Radio Communications Co., Inc. (KIF657), consent to assignment of license from Radio Communications Co., Inc., assignor to RCC of Virginia, Inc., assignee (two-way) Roanoke, Va.

30–C2–P–(2)–73—Answerite Professional Telephone Service (KFL873), for additional facilities to operate on 454.275 and 454.325 MHz located at 418 West 13th Street, Sanford, Fla.

31–C2–P–73—Airsignal International, Inc. (KAF245), for additional facilities to operate on 43.58 MHz at a new site described as location No. 4: Park College 1.1 miles northeast of city limits, Parkville, Mo.

32–C2–P–(3)–73—Monroe Radiotelephone Co. (KKX711), to reorientate antenna for control facilities operating on 454.20 MHz at location No. 1: 0.5 mile northwest of Petal, Miss., and relocate facilities operating on 152.15 MHz (base) and 459.20 MHz (repeater) at location No. 2 to: Off Mississippi Central Railroad, approximately 6 miles west-northwest of Hattiesburg, Miss.

36–C2–P–73—San Juan Radiotelephone Corp. (KQZ767), for additional facilities to operate on 152.24 MHz at a new site described as location No. 2: Altos de La Mesa, Caguas, P.R. (when construction is completed facilities at location No. 1 will be used as standby).

36–C2–P–73—John T. Hubbard, doing business as Radio Dispatch Co. (KIY504), Third Avenue, Dothan, Ala. C.P. to correct antenna heights and coordinates to latitude 31°12′58″ N., longitude 85°22′45″ W. for base frequencies 152.03 and 152.21 MHz.

38–C2–P–(8)–73—Mobilfone (KKJ459), location No. 1: Top of Driscoll Hotel Building, 615 North Broadway, Corpus Christi, TX; location No. 2: 5.9 miles north of Alice, Tex. C.P. change antenna location No. 1 to a new site identified as location No. 3: 2501 Suntide Road, Corpus Christi, TX for base frequency 152.03 MHz; for base frequency 152.06 MHz to a new site identified as location No. 4: southwest corner of lot 5, sec. 19, County Road No. 2, near Petronillia, Tex.; for base frequency 152.15 MHz to a site identified as location No. 5: 1¼ miles east-southeast of Violet, Tex.; for control frequencies 454.05 and 454.25 MHz to a site identified as location No. 6: 826 South Padre Island Drive, Corpus Christi, Tex. and change repeater location No. 2 for frequency 459.25 MHz to location No. 4; reorient antennas and change points of communications on repeater frequencies 459.05 and 459.25 MHz.

57–C2–P–73—Contact of Farmington, Inc. (New), for a new two-way station. Base frequency: 152.09 MHz, location: 9.3 miles northwest of Jemez, Pajarito Peak, N. Mex.

58–C2–P–73—Tidewater Telephone Co. (KIY768), change antenna location to 4 Waverly Avenue, Kilmarnock, VA operating on 152.66 MHz.

59–C2–MP–73—The Redco Corp., Roy M. Teel & Lowry McKee, doing business as Mobilfone (KQZ792), change antenna location for control facilities at location No. 1 to: 3.5 miles north of Highway 83 and 23d Street, 0.1 mile of unmarked road, McAllen, Tex., operating on 454.25 MHz.

Major Amendment

4354, 4844, 4948, and 4949–C2–P–(2)–72—RCA Alaska Communications, Inc. (New), change to central office facilities in the Rural Radio Service. See Public Notice No. 580, 582, and 583 dated January 24, 1972, February 7, 1972, and February 14, 1972, respectively.

Correction

4021–C2–P–72—United Telephone Co. of The West (KAQ626), correct to read: Call sign: (New), C.P. for a new one-way station. Frequency 152.84 MHz location: 2802 Avenue D, Scottsbluff, Nebr. See Report No. 578, dated January 10, 1972.

RURAL RADIO SERVICE

Major Amendment

4354–C2–P–(2)–72—RCA Alaska Communications, Inc. (New), change File number to read 4354–C1–P–(2)–72 and change to Central Office facilities in the Rural Radio service. See Public Notice No. 580, dated January 24, 1972.

4844–C2–P–(2)–72—RCA Alaska Communications, Inc. (New), change File number to read 4844–C1–P–(2)–72 and change to Central Office facilities in the Rural Radio Service. See Public Notice No. 582, dated February 7, 1972.

4948 and 4949–C2–P–(2)–72—RCA Alaska Communications, Inc. Change File number to read 4948 and 4949–C1–P–(2)–72 and change to Central Office facilities in the Rural Radio Service. See Public Notice No. 583, dated February 14, 1972.

POINT-TO-POINT MICROWAVE RADIO SERVICE

Navajo Communications Company, Inc., Renewal of Licensees for 3-year term. Existing Authorization expiring August 26, 1972, for the following stations:

WCZ 38	WCZ 42	WCZ 45	WCZ 48
WCZ 39	WCZ 43	WCZ 46	WCZ 49
WCZ 41	WCZ 44	WCZ 47	WCZ 50

9484–C1–P–72—Madison Valley Telephone Co. (New), 30.5 miles southwest of Bozeman, Mont. Latitude 45°16′05″ N., longitude 111°17′24″ W. C.P. to add frequency 11,155H MHz toward Big Sky, Mont.; 10,915V MHz toward Big Sky, Mont.

9485–C1–P–72—MCI Pacific Coast, Inc. (New), 1.2 miles southeast of Shady Cove, Vestal Butte, Oreg. Latitude 42°34′17″ N., longitude 122°46′35″ W. C.P. to add frequency 6286.2H MHz toward Roxy Ann Park, Oreg.; 6286.2H MHz toward Placer, Oreg.

22–C1–P–73—Southeast Mobilphone, Inc. (New), Sharp Ridge, Knoxville, Tenn. Latitude 36°00′21″ N., longitude 83°56′20″ W. C.P. to add frequency 2150.25(Aural) 2154.75(Visual) toward directional receivers associated with this station.

23–C1–P–73—General Telephone Co. of Wisconsin (New), in any temporary fixed location within the State of Wisconsin. C.P. to add frequencies 2110–2130, 2160–2180, 3700–4200, 5925 to 6425, 10,700 to 11,700 MHz toward associated fixed or temporary fixed station.

27–C1–P–72—General Telephone Co. of the Southwest (KLV27), intersection of Dillion & Bernice Streets, Spearman, Tex. Latitude 36°11′58″ N., longitude 101°11′31″ W. C.P. to add frequencies 6256.5V and 6375.2V MHz toward Hitchland, Tex.

28–C1–P–73—Same (KLV28), 3.3 miles southeast of Hitchland, Tex. Latitude 36°28′29″ N., longitude 101°16′03″ W. C.P. to add frequencies 6004.5H and 6123.1H MHz toward Spearman, Tex.; 6034.2H and 6152.8H MHz toward Guymon, Okla.

29–C1–P–73—Same (KLP79), 113 East Fifth, Guymon, Okla., latitude 36°40′57″ N., longitude 101°28′48″ W. C.P. to add frequencies 6286.2V and 6404.8V MHz toward Hitchland, Tex.

9487–C1–P–72—Midwestern Relay Co. (New), Curran, Wis., 3.2 miles south-southwest of Northfield, Wis. at latitude 44°24′50″ N., longitude 91°06′38″ W. New application for frequency 6093.5H MHz toward Galesville, Wis., on azimuth 206°49′ (Informative: Co-located with 8185–C1–P–72, see Public Notice dated May 22, 1972).

9488–C1–P–72—Same (New), Galesville, Wis., at WKBT–TV transmitter, latitude 44°05′28″ N., longitude 91°20′15″ W. New application for frequency 6315.9H MHz toward La Crosse (WKBT) Wis. on azimuth 166°56′.

39–C1–AL–(2)–73—Peoples-United Telephone Co. (KGH28), Butler, Pa.; KGJ36 Emlenton, Pa. Consent to assignment of licenses from Peoples-United Telephone Co., Assignor, to United Telephne Co. of Pennsylvania, Assignee.

40–C1–P–73—Central Telephone Co. (New), lot 3 of Block 2 Original Town of Boonsville, Tex. Latitude 33°04′06″ N., longitude 97°51′47″ W. C.P. to add frequencies 111.750H, and 1085.500H MHz toward Decatur, Tex.

41–C1–P–73—Same (KRR56), 206 North Lane, Decatur, Tex. Latitude 33°14'07" N., longitude 97°35'16" W. C.P. to add frequencies 6271.365H and 6389.965H MHz toward Slidell, Tex.; 6241.751V and 6360.315V MHz toward Boyd, Tex.; 11545.0H and 11225.0H MHz toward Boonsville, Tex.

42–C1–P–73—The Mountain States Telephone & Telegraph Co. (KPR76), 2 miles north of Salt Lake City, Utah. Latitude 40°48'18" N., longitude 111°53'48" W. C.P. to replace transmitters on frequencies 10715V and 10995H MHz toward Stansbury Island, Utah.

43–C1–P–73—Same (KPV65), 10 miles north of Grantsville, Utah. Latitude 40°43'52" N., longitude 112°31'30" W. C.P. to replace transmitters on frequencies 11405H and 11645V MHz toward North Salt Lake, Utah; 11445V and 11685H MHz toward Tooele, Utah.

44–C1–P–73—Same (KPV27), 50 East First North Street, Tooele, Utah. Latitude 40°32'03" N., longitude 112°17'45" W. C.P. to replace transmitters on frequencies 10,755H and 10,995V MHz toward Stansbury Island, Utah.

45–C1–P–73—The Midland Telephone Co. (KPY77), Moab, Utah. Latitude 38°34'26" N., longitude 109°32'55" W. C.P. to correct coordinates and azimuths of radio on frequencies 5967.4H and 11,685H MHz toward Bald Mesa, Utah.

60–C1–P–73—New England Telephone & Telegraph Co. (KSW23), 59 Park Street, Bangor, Maine. Latitude 44°48'16" N., longitude 68°46'16" W. C.P. to add frequency 11,545.0H MHz toward Holden, Maine.

Same (KCO98), at Rider Bluff, 2.1 miles west of East Holden, Maine. Latitude 44°44'11" N., longitude 68°40'16" W. C.P. to add frequency 6404.8V MHz toward Medford, Maine; 10,815.0H MHz toward Bangor, Maine.

Same (KYO66), on Bagley Mountain, 5.6 miles northeast of Lincoln, Maine. Latitude 45°25'13" N., longitude 68°24'59" W. C.P. to add frequency 6226.9V MHz toward Danforth, Maine; 6226.9H MHz toward Medford, Maine.

Same (KYN53), on upper Ferry Hill, 2.6 miles southwest of Medford Center, Medford, Maine. Latitude 45°14'13" N., longitude 68°52'50" W. C.P. to add frequency 5974.8H MHz toward Lincoln, Maine; 6152.8V MHz toward Holden, Maine.

64–C1–P–73—New England Telephone & Telegraph Co. (KYO67), on Baker Ridge, 2.9 miles southwest of Danforte, Maine. Latitude 45°38'00" N., longitude 67°54'54" W. C.P. to add frequency 5974.8H MHz toward Linneus, Maine; 5974.8V MHz toward Lincoln, Maine.

65–C1–P–73—Same (KYO68), on Drew Hill, 4.1 miles northwest of Linneus, Maine. Latitude 46°05'22" N., longitude 68°00'04" W. C.P. to add frequencies 6197.2H and 6226.9V MHz toward Westfield, Maine; 6226.9H MHz toward Danforte, Maine; 10,715.0H and 10,875.0H MHz toward Houlton, Maine.

66–C1–P–73—Same (KYO69), on North Hill, 4.3 miles south of Westfield, Maine. Latitude 46°30'35" N., longitude 67°56'16" W. C.P. to add frequencies 5945.2H, 11,285.0V, and 11,445.0V MHz toward Presque Isle, Maine; 5945.2H and 5974.8V MHz toward Linneus, Maine.

67–C1–P–73—Same (KYO70), on Hardy Hill, 1.4 miles east of Presque Isle Century Office, Presque Isle, Maine. Latitude 46°41'16" N., longitude 67°59'35" W. C.P. to add frequencies 6197.2H, 10,835.0V, and 10,995.0V MHz toward Westfield, Maine.

68–C1–P–73—Same (New), 35 Court Street, Houlton, Maine. Latitude 46°07'29" N., longitude 67°50'29" W. C.P. to add frequencies 11,325.0H and 11,645.0H MHz toward Linneus, Maine.

INFORMATIVE: On April 26, 1972, the Commission released its notice of proposed rule making in Docket 19493, 34 FCC 2d 719 (Multipoint Distribution Service) which, among other things, stated that pending applications which are consistent with the proposed rules and not mutually exclusive would be processed and acted upon prior to final resolution of the rule making. The purpose of this notice is to advise all applicants in this category that the processing of their applications will not commence until they are amended to comply with the proposed rule making. It is not recommended that mutually exclusive applications be amended in this regard until the rule making is finalized.

2500–C1–P–70—MCI Pacific Coast, Inc. (New), Everett, Wash. C.P. for a new station at 1719 Hewitt Street, Everett, Wash., at latitude 47°58'45", longitude 122°12'15". Correct frequency and azimuth to 6123.1V MHz on azimuth 127°25' toward Monroe, Wash. Delete frequencies 6271.4 and 6390.0 MHz on azimuth 127°23'.

2494–C1–P–70—MCI Pacific Coast, Inc. (New), Wildwood, Wash. C.P. for a new station 6.2 miles west-northwest of Wildwood, Wash., at latitude 46°29'18", longitude 123°12'51". Correct frequencies and azimuths to 6004.5H MHz on azimuth 138°52' toward Ariel, Wash., and 6034.2V MHz on azimuth 46°13' toward Rainier, Wash. Delete frequencies 6241.7, 6360.3 MHz on azimuth 138°51' and 6226.9, 6345.5 MHz on azimuth 46°13'.

2495–C1–P–70—Same as above (New), Rainier, Wash. C.P. for a new station 3.7 miles south of Rainier, Wash., at latitude 46°50'04", longitude 122°41'10". Correct frequencies and azimuths to 6404.8V MHz on azimuth 226°36' toward Wildwood, Wash., and 6345.5V MHz on azimuth 22°00' toward Tacoma, Wash. Delete frequencies 5974.8, 6093.5 MHz on azimuth 226°36' and 5960.0, 6078.6 MHz on azimuth 22°00'.

2496–C1–P–70—Same as above (New), Tacoma, Wash. C.P. for a new station at 1201 Pacific Avenue, Tacoma, Wash., at latitude 47°15'13", longitude 122°26'14". Correct frequencies and azimuths to 6093.5V MHz on azimuth 202°11' toward Rainier, Wash., and 5974.8H MHz on azimuth 342°14' toward Harper, Wash. Delete frequencies 6212.0, 6330.7 MHz on azimuth 202°11' and 6226.9, 6345.5 MHz on azimuth 342°14'.

2497–C1–P–70—Same as above (New), Harper, Wash. C.P. for a new station 3.2 miles south-southwest of Harper, Wash., at latitude 47°28'43", longitude 122°32'37". Correct frequencies and azimuths to 6226.9H MHz on azimuth 162°09' toward Tacoma, Wash., and 11,665.0V, 11,265.0V MHz on azimuth 47°32' toward Seattle, Wash. Delete frequencies 5960.0, 6078.6 MHz on azimuth 162°09' and 5989.7, 6108.3 MHz on azimuth 47°32'.

2498–C1–P–70—Same as above (New), Seattle, Wash. C.P. for a new station at Third Avenue and University Street, Seattle, Wash., at latitude 47°36'29", longitude 122°20'03". Correct frequencies and azimuths to 10,775.0H, 11,175.0H MHz on azimuth 227°41' toward Harper, Wash., and 5974.8V MHz on azimuth 57°19' toward Monroe, Wash. Delete frequencies 6241.7 and 6360.3 MHz on azimuth 227°42' and 6212.0 and 6330.7 MHz on azimuth 57°19'.

2499–C1–P–70—Same as above (New), Monroe, Wash. C.P. for a new station 5.7 miles southeast of Monroe, Wash., at latitude 47°48'26", longitude 121°52'17". Correct frequencies and azimuths to 6286.2V MHz on azimuth 237°39' toward Seattle, Wash., and 6375.2V MHz on azimuth 307°40' toward Everett, Wash. Delete frequencies 5989.7 and 6108.3 MHz on azimuth 237°39' and 5960.0 and 6078.6 MHz on azimuth 307°39'.

2488–C1–P–70—MCI Pacific Coast, Inc. (New), Eugene, Oreg. C.P. for a new station at 350 Pearl Street, Eugene, OR, at latitude 44°03'24", longitude 123°05'23". Correct frequency and azimuth to 6226.9V MHz on azimuth 300°52' toward Blachly, Oreg. Delete frequencies 5960.0 and 6078.6 MHz on azimuth 300°52'.

2489–C1–P–70—Same as above (New), Mill City, Oreg. C.P. for a new station 5.9 miles north of Mill City, Oreg., at latitude 44°50'28", longitude 122°28'53". Correct frequencies and azimuths to 6286.2V MHz on azimuth 235°26' toward Blachly, Oreg., 6345.5V MHz on azimuth 355°43' to Clackamas, Oreg., and 6345.5V MHz on azimuth 284°13' toward Salem, Oreg. Delete frequencies 5974.8 and 6093.5 MHz on azimuth 235°26', 5960.0 and 6078.6 MHz on azimuth 355°43' and 6049.0 and 6167.6 MHz on azimuth 284°13'.

2490–C1–P–70—Same as above (New), Salem, Oreg. C.P. for a new station at 495 State Street, Salem, OR, at latitude 44°56'24", longitude 123°02'18". Correct frequency and azimuth to 6093.5V MHz on azimuth 103°50' toward Mill City, Oreg. Delete frequencies 6241.7, 6360.3 MHz on azimuth 103°49'.

2491–C1–P–70—Same as above (New), Clackamas, Oreg. C.P. for a new station 3 miles north-northeast of Clackamas, Oreg., at latitude 45°27'14", longitude 122°32'48". Correct frequencies and azimuths to 6004.5V MHz on azimuth 175°40' toward Mill City, Oreg., 6093.5H MHz on azimuth 308°43' to Portland, Oreg., and 6123.1H MHz on azimuth 356°22' toward Ariel, Wash. Delete frequencies 6212.0, 6330.7 MHz on azimuth 175°40', 6271.4, 6390.0 MHz on azimuth 356°22' and 11,665.0, 11,425.0 MHz on azimuth 304°45'.

2492–C1–P–70—Same as above (New), Portland, Oreg. C.P. for a new station at the corner of Southwest Grand and Southeast Morrison Streets, Portland, Oreg., at latitude 45°31'02", longitude 122°39'33". Correct frequency and azimuth to 6404.8H MHz on azimuth 128°38' toward Clackamas, Oreg. Delete frequencies 10,975.0, 10,735.0 MHz on azimuth 124°39'.

2493–C1–P–70—Same as above (New), Ariel, Wash. C.P. for a new station 2.8 miles northwest of Ariel, Wash., at latitude 45°59'36", longitude 122°35'45". Correct frequencies and azimuths to 6404.8H MHz on azimuth 176°20' toward Clackamas, Oreg., and 6345.5V MHz on azimuth 319°19' toward Wildwood, Wash. Delete frequencies 5989.7, 6108.3 MHz on azimuth 176°20' and 5960.0, 6078.6 MHz on azimuth 319°18'.

Major Amendments

INFORMATIVE: Applicant, MCI Pacific Coast, Inc., is amending 17 point-to-point microwave sites for specialized common carrier service from Roxy Ann Peak, Oreg., to Everett, Wash., and intermediate points. The amendments are necessitated to insure compliance with the new engineering standards set forth in the Commission's First Report and Order in Docket No. 18920, effective July 15, 1971, and informative guidelines published regarding Frequency Coordination Report No. 562 FCC Common Carrier Services Information released September 20, 1971.

6766–C1–P–72—MCI Pacific Coast, Inc. (New), Roxy Ann Peak, Oreg. C.P. for a new station 3.2 miles northeast of Medford, Oreg., at latitude 42°21'14" and longitude 122°47'34". Add frequency 6034.2H MHz on azimuth 3°11' toward Vestal Butte, Oreg. All other particulars are the same as reported in Public Notice No. 590, dated April 3, 1972.

2485–C1–P–70—Same as above (New), Placer, Oreg. C.P. for a new station 5.8 miles north of Placer, Oreg., at latitude 42°41'31", longitude 123°13'46". Correct frequencies and azimuths to 6034.2H MHz on azimuth 109°40' toward Vestal Butte, Oreg., and 6034.2V MHz on azimuth 6°55' toward Black Butte, Oreg. Delete Colestin, Oreg., as a point of communication. Delete frequencies 6226.9 and 6345.5 MHz on azimuth 147°04' and 6286.2 and 6404.8 MHz on azimuth 06°55'.

2486–C1–P–70—Same as above (New), Black Butte, Oreg. C.P. for a new station 3.1 miles south-southwest of Black Butte, Oreg., at latitude 43°31'33", longitude 123°05'26". Correct frequencies and azimuths to 6286.2V MHz on azimuth 187°01' toward Placer, Oreg., and 6404.8V MHz on azimuth 333°44' toward Blachly, Oreg. Delete frequencies 5960.0 and 6108.3 MHz on azimuth 187°00' and 5989.7 and 6108.3 MHz on azimuth 333°45'.

2487–C1–P–70—Same as above (New), Blachly, Oreg. C.P. for a new station 6.8 miles northwest of Blachly, Oreg., at latitude 44°16'41", longitude 123°36'28". Correct frequencies and azimuths to 6123.1V MHz on azimuth 153°23' toward Black Butte, Oreg., 6093.5V MHz on azimuth 54°39' toward Mill City, Oreg., and 6034.2V MHz on azimuth 120°31' toward Eugene, Oreg. Delete frequencies 6286.2 and 6404.8 MHz on azimuth 153°23', 6212.0 and 6330.7 MHz on azimuth 120°31' and 6212.0 and 6330.7 MHz on azimuth 54°39'.

INFORMATIVE: Applicant, MCI Pacific Coast, Inc., is proposing one additional new point-to-point microwave site for specialized common carrier service in the state of Oregon. This application is in compliance with the new engineering standards set forth in the Commission's First Report and Order in Docket No. 18920, effective July 15, 1971, and informative guidelines published regarding Frequency Coordination Report No. 562 FCC Common Carrier Services Information released September 20, 1971.

MCI Pacific Coast, Inc. (New), Vestal Butte, Oreg. C.P. for a new station 1.2 miles southeast of Shady Cove, Oreg., at latitude 42°34'17", longitude 122°46'35". Frequencies 6286.2H MHz on azimuth 183°12' toward Roxy Ann Peak, Oreg., and 6286.2H MHz on azimuth 289°58' toward Placer, Oreg.

General Summary

Applicant, MCI Pacific Coast, Inc., has previously filed applications for authority to construct new specialized common carrier systems in a three-State area covering California, Oregon, and Washington. The original filing was on November 3, 1969. On October 16, 1970, 53 amendments and three new applications were filed. On March 15, 1972, MCI Pacific Coast, Inc., amended 11 applications and submitted 36 new applications for the Los Angeles, Calif., to Medford, Oreg., portion of the system. MCI Pacific Coast, Inc., is now amending 17 applications and submitting one new application, extending the Los Angeles-Medford section to Everett, Wash. Each application now amended is referenced to the date originally filed. The amendments and new application are necessitated to insure compliance with the new engineering standards set forth in the Commission's First Report and Order in Docket 18920 effective July 15, 1971, and informative guidelines published regarding Frequency Coordination Report No. 562 FCC Common Carrier Services Information released September 20, 1971. This route starts at Roxy Ann Peak, Oreg., and ends at Everett, Wash. Spurs terminate at Eugene, Salem, and Portland, Oreg.

Major Amendments

INFORMATIVE: Applicant, MCI New England, Inc., is amending seven of its previously filed applications to modify its new specialized common carrier system between Boston, Mass., and New York, N.Y., and to extend the amendments to New Bedford, Mass., to insure compliance with the new engineering standards set forth in the Commission's First Report and Order in Docket No. 18920, and informative guidelines published regarding Frequency Coordination in Report No. 562.

3392–C1–P–70—MCI New England, Inc. (New), Boston, Mass. Add frequency 6226.9V MHz on azimuth 199°32' toward Sharon, Mass. Change frequencies and azimuth to 10,775.0H and 11,175.0H MHz on azimuth 293°52' toward Waltham. Delete frequencies 10,775.0H and 11,175.0H MHz on azimuth 293°48'. All other particulars are as reported in Public Notice No. 574 dated December 13, 1971.

3393–C1–P–70—Same as above (New), Sharon, Mass. Change frequency to 5974.8H MHz on azimuth 19°27' toward Boston and 6063.8H MHzz on azimuth 210°07' toward Providence, R.I. Delete frequencies 5989.7 and 6108.3 MHz on azimuth 19°27' and 5960.0 and 6078.6 MHz on azimuth 210°07'. All other particulars are as reported in Public Notice No. 471 dated December 22, 1969.

3394–C1–P–70—Same as above (New), Providence, R.I. Change frequencies and azimuth to 6197.2H MHz on azimuth 29°59' toward Sharon, Mass., and 3730.0V MHz on azimuth 119°51' toward Fall River. Delete frequencies 6212.0 and 6330.7 MHz on azimuth 29°59' and 6241.7 and 6360.3 MHz on azimuth 122°29'. All other particulars are as reported in Public Notice No. 471 dated December 22, 1969.

3395–C1–P–70—Same as above (New), Fall River, Mass. Change proposed station location to Boston Road, Fall River, Mass., at latitude 41°42'36", longitude 71°08'43". Change frequencies and azimuths to 3770.0V MHz on azimuth 300°01' toward Providence and 3770.0V MHz on azimuth 114°29' toward New Bedford, Mass. Delete frequencies 5989.7 and 6108.3 MHz on azimuth 302°29' and 5960.0 and 6078.6 MHz on azimuth 111°18'.

3396–C1–P–70—Same as above (New), New Bedford, Mass. Change frequencies and azimuths to 3730.0V MHz on azimuth 294°38' toward Fall River, Mass. Delete frequencies 6212.0 and 6330.7 MHz on azimuth 291°27'. All other particulars are as reported in Public Notice No. 471 dated December 22, 1969.

3325–C1–P–72—MCI New England, Inc. (New), Waltham, Mass. Change station location to Lots 570, 571, and 572 Sachem Street, Waltham, Mass., at latitude 42°23'55" N., longitude 71°14'28" W. Change frequencies and azimuths to 11,665.0H and 11,265.0H MHz on azimuth 113°46' toward Boston, Mass.. and 6404.8H MHz on azimuth 264°39' toward Clinton, Mass. Delete frequencies 11,665.0H and 11,265.0H MHz on azimuth 113°42'.

3326–C1–P–72—Same as above (New), Clinton, Mass. Change frequency and azimuth to 6123.1H MHz on azimuth 84°22' toward Waltham, Mass. Delete frequency 6123.1 on azimuth 84°22'. All other particulars are as reported in Public Notice No. 574 dated December 13, 1971.

8861–C1–P–72—Midwestern Relay Co. (New), Rib Mountain, Wis. Change coordinates to latitude 44°55'15" N., longitude 89°41'30' W. All other particulars same as reported on Public Notice dated June 19, 1972.

Corrections

9180–C1–P–72—The New York Telephone Co. (New), correct to read C.P. for a new station.

9181–C1–P–72—Same (New), Melville, N.Y., correct to read frequency 10,835H MHz toward Hempstead, Long Island, N.Y., to read 10,835V MHz and correct frequency 11,155H MHz toward Huntington, N.Y., to read 11,115H MHz.

9184–C1–P–72—Same (New), New York, N.Y., correct to read: C.P. for a new station.

9185–C1–P–72—Same (New), Mount Vernon, N.Y., correct to read: C.P. for a new station.

9453–C1–P–72—Radio and Electronics Service Co., Inc., doing business as Mobilfone (New), add location Pensacola, Fla.

9463–C1–TC–(42)–72—Western Tele-Communications, Inc., delete entire entry. See Report No. 604 dated July 10, 1972.

Corrections—Continued

9464-C1-TC-(42)-72—Same, correct to read: Western Tele-Communications, Inc. (and Subsidiaries) KOC37, KOC40, KOC42, KOC45, KPJ34, KPJ35, KPJ36, KPJ37, KPP83, KPQ37, KPQ42, KPQ43, KPQ44, KSQ40, WJL81, KSV37, KVU91, KXQ79, KXR27, KXR28, KXR29, KZA81, KZS84, KZS85, KZS86, KZS87, WDE21, WDE24, KPR99, KPS68, KPT21, KPT22, KPV60, KPY90, KSQ28, KSQ29, KSQ30, KSQ31, KSQ32, KSQ33, KSQ34, KSQ35. Various locations in the States of California, Montana, and Utah. Consent to Transfer of Control from Communications Investment Corp. et al. (de jure), Transferors, to Communications Investment Corp. et al. (de facto), Transferees. See Report No. 604 dated July 10, 1972.

[FR Doc.72-11363 Filed 7-21-72;8:48 am]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

JULY 17, 1972.

Pursuant to the Commission's action of July 6, 1972, waiving the "freeze" criteria of § 1.571 of its rules and accepting the following application, it will be considered as ready and available for processing August 25, 1972.

BP-19156 WDAT, Ormond Beach, Fla. Morris Broadcasting Co., Inc. Has: 1380 kHz, 1 kw., Day. Req: 1380 kHz, 1 kw., DA-N, U.

Pursuant to §§ 1.227(b)(1), 1.591(b) and Note 2 to § 1.571 of the Commission's rules,[1] an application, in order to be considered with the above application must be in direct conflict with said application, substantially complete, and tendered for filing at the offices of the Commission by the close of business on August 24, 1972.

The attention of any party in interest desiring to file pleadings concerning this application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: July 17, 1972.

Released: July 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-11362 Filed 7-21-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Notice 27]

ASSIGNMENT OF HEARINGS

JULY 6, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC 117610 Sub 8, Derrico Trucking Corp., now being assigned hearing August 14, 1972 (1 day), at New York, N.Y., in a hearing to be later designated. (Title added)

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-11365 Filed 7-21-72;8:48 am]

[Notice 95]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73822. By order of July 12, 1972, the Motor Carrier Board approved the transfer to Potts Trucking Service, Inc., Waynesville, N.C., of the operating rights in Certificate No. MC-126006 issued October 12, 1964, to Bill L. Potts, doing business as Potts Trucking Co., Waynesville, N.C., authorizing the transportation of fertilizer, fertilizer components, and agricultural ammonium nitrate and nitrate of soda, in bags, from Savannah and Augusta, Ga., and Birmingham, Ala., to points in Clay, Cherokee, Graham, Swain, Macon, Jackson, Haywood, Buncombe, Madison, Yancey, Mitchell, Burke, Transylvania, Henderson, Polk, McDowell, Avery, Watauga, and Rutherford Counties, N.C. William E. Bain, Post Office Box 211, Roanake, VA 24002, representative for applicants.

No. MC-FC-73827. By order of July 12, 1972, the Motor Carrier Board approved the transfer to Columbus Express & Shipping Co., Inc., New York (Bronx), N.Y., of Certificate No. MC-78926, issued November 9, 1971, to G. E. Van Lines, Inc., Brooklyn, N.Y., authorizing the transportation of: Household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New York, New Jersey, Pennsylvania, and Massachusetts, and between New York, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, Virginia, Ohio, and the District of Columbia. Morris Honig, 150 Broadway, New York, NY 10038, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-11364 Filed 7-21-72;8:48 am]

PANAMA CANAL

CANAL ZONE POSTAL SERVICE

Certain Postage Rates and Fees

The Canal Zone Government hereby gives notice of certain postage rates and fees as set out in the schedule below. These rates and fees will govern until such time as the permanent postage rates and fees which have been prescribed by the U.S. Postal Service, effective July 6, 1972 (37 F.R. 13148-50, July 1, 1972), are modified, superseded, revoked, or incorporated in Title 39 Code of Federal Regulations.

a. Domestic postage rates:

To Canal Zone, United States, its territories and possessions, and the Commonwealth of Puerto Rico.

First Class (12 ounces or less):
Letters—8 cents per ounce.
Cards—6 cents each.
Airmail (9 ounces or less) (no service in Canal Zone):
Letters—11 cents per ounce.
Cards—9 cents each.
Priority Mail (First class over 12 ounces and Airmail over 9 ounces):

Postage rate unit (pounds)	Zones	
	Local, 1, 2, and 3 [1]	8 [2]
1	$1.00	$1.00
1½	1.20	1.50
2	1.40	1.77
2½	1.60	2.16
3	1.80	2.54
3½	2.00	2.93
4	2.20	3.31
4½	2.40	3.70
5	2.60	4.08
Each additional pound	.48	.80

[1] Zones local, 1, 2, and 3 rates are applicable to priority mail destined to the Canal Zone or the Republic of Panama.

[2] Zone 8 rates are applicable to priority mail destined to the United States, its territories and possessions and the Commonwealth of Puerto Rico.

EXCEPTION: Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.

[1] See report and order released July 18, 1968, FCC 68-739, Interim Criteria To Govern Acceptance of Standard Broadcast Applications, 33 F.R. 10343, 13 RR 2d 1667.

Second Class

	Zones 1 and 2[3]	Zones 8[4]
Special Rate Publication (Non profit):	*Cents*	*Cents*
Editorial, per pound	2.4	2.4
Advertising, per pound	4.4	9.5
Minimum per piece rate	0.2	0.2
Per piece charge (In addition to foregoing)	0.2	0.2
Classroom publications:		
Editorial, per pound	2.3	2.3
Advertising, per pound	3.6	11.0
Minimum per piece	0.8	0.8
Per piece charge (In addition to foregoing)	0.1	0.1

[3] Zones 1 and 2 are applicable to second class mail destined to the Canal Zone.

[4] Zone 8 rates are applicable to second class mail destined to the United States, its territories and possessions and the Commonwealth of Puerto Rico.

	Cents	*Cents*
Regular rate publications:		
Editorial, per pound	4.2	4.2
Advertising, per pound	6.0	17.4
Minimum per issue:		
5,000 copies per issue or more	1.3	1.3
Less than 5,000 copies per issue	0.8	0.8
Per piece charge:		
(In addition to foregoing) 5,000 or more copies	0.3	0.3
Less than 5,000 copies	0.1	0.1
Transient:		
First 2 ounces	6.0	6.0
Each additional ounce	2.0	2.0

Controlled Circulation

	Cents
Per pound	15.0
Minimum per piece	4.0

Third Class

Single piece—first 2 ounces	8.0
Each additional ounce	4.0
Keys and identification devices:	
First 2 ounces	14.0
Each additional ounce	8.0
Bulk rate:	
Regular:	
Circulars, etc.—per pound	26.0
Books, catalogs, etc.—per pound	22.0
Minimum per piece:	
First 250,000 mailed during each calendar year	4.8
Pieces in excess of 250,000 mailed during each calendar year	5.0
Nonprofit:	
Circulars, etc.—per pound	11.0
Minimum per piece	1.7
Books, catalogs, etc.—per pound	8.0
Minimum per piece	1.7

Fourth Class

Special Rate (educational):	
First pound	14.0
Each additional pound	7.0
Library Rate:	
First pound	6.0
Each additional pound	2.0

b. Special mail service fees:

Registered Mail:

Registry Fees (in addition to postage).

(1) To Canal Zone and United States, its territories and possessions and the Commonwealth of Puerto Rico.

Declared value	Fees	Postal liability
$0.00 to $100.00	$0.95	Without other insurance-declared value according to fee paid, $1,000 maximum. With other insurance-declared value according to fee paid or prorated, $1,000 maximum.
$100.01 to $200.00	$1.25	
$200.01 to $400.00	$1.55	
$400.01 to $600.00	$1.85	
$600.01 to $800.00	$2.15	
$800.01 to $1,000.00	$2.45	
$1,000.01 to $1,000,000	$2.45 plus handling charge of 20 cents per $1,000 or fraction over first $1,000.	$1,000 maximum.
$1,000,000.01 to $15,000,000	$202.25 plus handling charge of 15 cents per $1,000 or fraction over first $1,000,000.	Do.
Over $15,000,000	Additional charges may be applied based on consideration of weight, space and value.	

For shipments valued in excess of $1 million refer to Director of Posts before acceptance.

(2) To foreign countries.

CANADA ONLY

Declared value	Fees	Postal liability
$00.00 to $100.00	$0.95	Declared value according to fee paid, $200 maximum.
$100.01 to $200.00	1.25	
All other countries actual value.	0.95	$13.07 (Postal Union articles).

Special Delivery:

Special Delivery Fees (In addition to postage).

(1) To United States, its territories and possessions, and the Commonwealth of Puerto Rico.

Class of mail	Weight	Fees
First class, airmail, and priority mail.	Up to 2 pounds	$0.60
	Over 2 up to 10	0.75
	Over 10 pounds	0.90
All other classes	Up to 2 pounds	0.80
	Over 2 up to 10	0.90
	Over 10 pounds	1.05

(2) To foreign countries.

Letters, letter packages, post cards, and airmail, other articles.	Up to 2 pounds	0.60
	Over 2 up to 10	0.75
	Over 10 pounds	0.90
Surface, other articles	Up to 2 pounds	0.80
	Over 2 up to 10	0.90
	Over 10 pounds	1.05

c. International postage rates:

Surface:

To all foreign countries:

	Lbs.	Oz.	Rate
Printed matter regular	0	2	$0.08
	0	4	0.14
	0	8	0.26
	1	0	0.48
	2	0	0.75
	4	0	0.96
Each additional 2 pounds or fraction			0.48

Effective date. The changes in postage rates and fees provided in this order are effective upon publication in the FEDERAL REGISTER (7–22–72).

(2 C.Z.C. sections 1131–1133, 76A Stat. 38–39)

Date signed: July 11, 1972.

[SEAL] CHARLES R. CLARK,
Acting Governor.

[FR Doc.72–11260 Filed 7–21–72;8:53 am]

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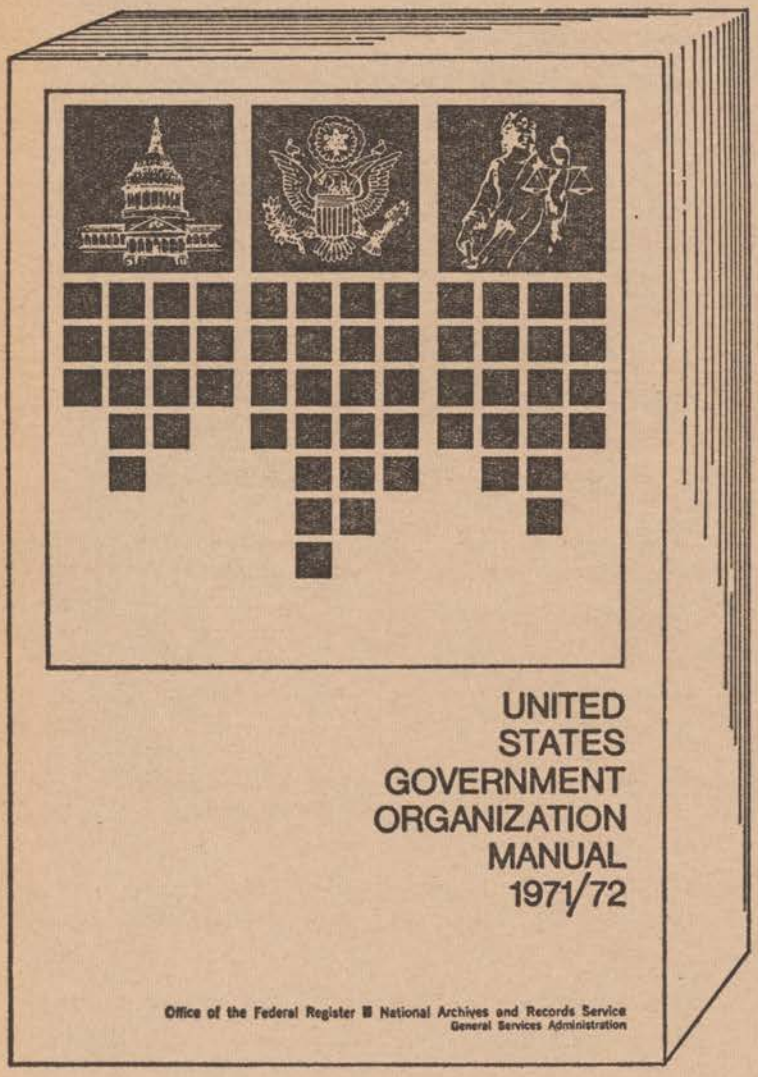

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