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List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

National Capital Housing Authority

Section 213.3135 is amended to show that one position of Chairman, Resident Involvement Workgroup, on the staff of the Executive Director, National Capital Housing Authority, is excepted under Schedule A until December 31, 1975.

Effective on publication in the FEDERAL REGISTER (8–26–72), paragraph (c) is added to § 213.3135 as set out below.

§ 213.3135 National Capital Housing Authority.

* * * * *

(c) Until December 31, 1975, one position of Chairman, Resident Involvement Workgroup, with responsibility for encouraging tenant participation in the development of a management system.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–14534 Filed 8–25–72;8:47 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of confidential assistant and private secretary to the Director, Office of National Narcotics Intelligence, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8–26–72), § 213.3310(u) (2) is added as set out below.

§ 213.3310 Department of Justice.

* * * * *

(u) *Office of National Narcotics Intelligence.* * * *

(2) One confidential assistant and private secretary to the Director.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–14533 Filed 8–25–72;8:47 am]

Title 6—ECONOMIC STABILIZATION

Chapter IV—Internal Revenue Service

PART 401—PROCEDURAL RULES RELATING TO ECONOMIC STABILIZATION MATTERS

Miscellaneous Amendments

In order to conform the Internal Revenue Service procedural rules relating to economic stabilization to the procedural regulations of the Cost of Living Council, Pay Board and Price Commission, amendments are made to 6 CFR Part 401 as follows:

PARAGRAGH 1. Section 401.2 is amended by revising the definitions of "Person aggrieved" and "Person with a substantial pecuniary interest" to read as follows:

§ 401.2 Definitions and terms.

* * * * *

"Person aggrieved" means:

(1) A person with a substantial pecuniary interest which is adversely affected by a determination,

(2) A bargaining representative of the employees whose wages or salaries are subject to a pay adjustment, or in the absence of such bargaining representative, an employee whose wage or salary is subject to a pay adjustment,

(3) A person whose request for an exception or for an exemption has been denied by a district director, or

(4) Where no violation is found, the tenant who filed a written complaint with respect to a rent increase.

"Person with a substantial pecuniary interest" means a person who increased or seeks to increase a price or rent, a person who is required to pay an increase in rent, wages, or salaries, or a person who put into effect or proposed a pay adjustment.

* * * * *

PAR. 2. Immediately following § 401.8, a new § 401.9 is added to read as follows:

§ 401.9 Certain small business enterprises.

Any request for a determination made by a small business enterprise shall be accorded expeditious handling by the Internal Revenue Service.

PAR. 3. Section 401.101 is amended by revising paragraph (a) to read as follows:

§ 401.101 Instructions to applicants.

(a) Each request for a determination must be submitted in writing to the appropriate district director and contain a complete statement of all relevant facts relating to the act or transaction. Such facts include names, addresses, and identifying numbers of all affected parties (if reasonably ascertainable); a full and precise statement of the business reasons for the act or transaction (where appropriate); and a carefully detailed description of the act or transaction. In addition, true copies of all contracts, agreements, leases, instruments, and other documents involved must be submitted with the request. However, relevant facts reflected in documents submitted must be included in the statement and not merely incorporated by reference, and must be accompanied by an analysis of their bearing on the issue or issues, specifying the pertinent provisions. The request must contain a statement whether, to the best of the knowledge of the applicant or his representative, the identical issue is being considered by any field office of the Service (or other governmental agency) in connection with a possible violation of economic stabilization regulations or guidelines by the person who is the subject of the requested determination. The request must also contain a statement as to whether the applicant or his representative has previously requested a determination with respect to the subject matter of the requested determination from any office of the Service or Office of Chief Counsel for Internal Revenue Service or any other governmental agency, detailing the disposition of any such previous request, or has filed an application for an exception or an exemption, or if a pay challenge has been filed with respect to the subject matter of the requested determination. Where the request pertains to only one step of a larger integrated transaction, the facts, circumstances, etc., must be submitted with respect to the entire transaction. As documents and exhibits become a part of the Internal Revenue Service file and cannot be returned, the original documents should not be submitted.

* * * * *

PAR. 4. Section 401.205 is amended by revising paragraph (e) and by adding new paragraphs (j) and (k) to read as follows:

§ 401.205 Practices and policies with respect to interpretations and rulings.

* * * * *

(e) *Review of interpretations.* Interpretations are not generally reviewed by the National Office or the Office of the Chief Counsel as they merely inform an applicant of a position previously established by regulations or guidelines, or in a ruling or court decision. If an applicant believes that an interpretation is in error, he may appeal under the provisions of §§ 401.601 through 401.605 if he qualifies. An applicant who does not qualify under § 401.601 may request a re-

view of the interpretation by the district director who issued the interpretation.

* * * * *

(j) *Service.* After August 29, 1972, all interpretations and rulings issued by the Internal Revenue Service and the Office of the Chief Counsel shall be served on the applicant who requested the interpretation or ruling.

(k) *Notification of wage or rent interpretations or rulings.* An applicant served with an interpretation or a ruling concerning a pay or rent adjustment shall immediately notify such other persons as are affected by such interpretation or ruling of the nature of the interpretation or ruling, including the date of its service, and of the availability for inspection of such ruling or interpretation, by posting such notification for a period of 30 consecutive days after the service of the interpretation or ruling on a public entrance to or on a public bulletin board located in either the building in which the affected tenants reside (in the case of affected tenants) or at the jobsite of an appropriate employee unit not represented by a collective bargaining agent, or by mailing or hand-delivering such notification to such other person as is affected when such other person either is a landlord, employer, employer association, or collective bargaining agent of an employee unit. An applicant who appeals the interpretation or ruling issued to him shall notify such other persons as are affected by the interpretation or ruling in the same manner as he is required to notify such persons of the interpretation or ruling.

PAR. 5. Section 401.303 is amended by revising paragraphs (a) and (b)(1) to read as follows:

§ 401.303 Instructions to applicants.

(a) *In general.* A request for an exception or a request for an exemption must be clearly designated as such. Any request for an exception or an exemption included in a request for an interpretation or ruling shall be processed solely as a request for an interpretation or ruling, as appropriate. The provisions of § 401.101, relating to instructions applicable to requests for determinations, are generally applicable to requests for an exception or an exemption. Any request for an exception or an exemption not otherwise in accordance with this subpart may be rejected by the appropriate district director.

(b) *Special instructions.* A request for an exception or a request for an exemption shall present evidence sufficient to establish—

(1) That the application of economic stabilization regulations and guidelines will result in serious hardship or gross inequity, or will in cases subject to Part 301 of this title result in extreme hardship,

* * * * *

PAR. 6. Immediately after § 401.304, a new § 401.305 is added to read as follows:

§ 401.305 Notification of wage or rent exceptions or exemptions.

An applicant served with a decision by the Internal Revenue Service with respect to an exception or exemption request concerning a pay or rent adjustment shall immediately notify such other persons as are affected by such decision of the nature of the decision, including the date of its service, and the availability for inspection of such decision, by posting such notification for a period of 30 consecutive days after the service of the decision on a public entrance to or on a public bulletin board located in either the building in which the affected tenants reside (in the case of affected tenants) or at the job site of an appropriate employee unit not represented by a collective bargaining agent, or by mailing or hand-delivering such notification to such other person as is affected when such other person either is a landlord, employer, employer association, or collective bargaining agent of an employee unit. An applicant who appeals the decision issued to him by the Internal Revenue Service with respect to an exception or exemption request shall notify such other persons as are affected by the decision of such appeal in the same manner as he is required to notify such persons of the decision.

PAR. 7. Section 401.404 is amended by revising paragraph (b) to read as follows:

§ 401.404 Instructions to applicants.

* * * * *

(b) *Special instructions.* In addition to the information otherwise required by § 401.101, a pay challenge shall also present evidence sufficient to establish that the pay adjustment is unreasonably inconsistent with the criteria established by the Pay Board.

PAR. 8. Section 401.502 is amended by revising paragraph (b) to read as follows:

§ 401.502 Violations.

* * * * *

(b) *Investigative procedure.* A person served with a notice of violation will be given an opportunity to explain his position with respect to the alleged violation prior to the submission of the case by the district director to the U.S. Attorney unless compelling reasons exist to the contrary. (See § 401.5 for rules relating to service.) The principal (the person upon whom the notice was served) will be granted an interview if he makes a request to the appropriate district director within 2 days after the date of receipt of the notice of violation. The interview will be held within a reasonable time after the receipt by the district director of the request for an interview, but in no event more than 5 days after the receipt of such request. At this interview, the principal may have counsel present and will be informed, by a general oral statement, of the features of his case which are alleged to show a violation of economic stabilization regulations and guidelines and, at the same time, there will be made available to the principal sufficient facts, figures, and legal analysis to acquaint him with the nature, basis, and other essential elements of the alleged violation. In his discretion, the district director, with the consent of the principal, may invite such other persons as are affected to participate in the conference. The principal may not file an appeal pursuant to the provisions of subpart G of this part nor may he make a request for an interpretation or ruling with respect to the subject matter of the notice of violation.

* * * * *

PAR. 9. Section 401.601 is revised to read as follows:

§ 401.601 Right to appeal.

Any person who is—

(a) A person aggrieved (as defined in § 401.2), except a person aggrieved by a ruling or

(b) Subject to any provision of an interpretation,

may appeal in the manner set forth in this subpart. A person is, for the purposes of paragraph (b) of this section, subject to such a provision only if the interpretation was issued to him, the action is adverse to him, and he has a substantial pecuniary interest. A principal referred to in paragraph (b) of § 401.502 may not file an appeal pursuant to the provisions of this subpart with respect to the subject matter of the notice of violation issued to him. Any appeal not in accordance with this subpart, may be rejected by the appropriate district director.

PAR. 10. Section 401.602 is revised to read as follows:

§ 401.602 Time and place for filing appeal.

Any appeal referred to in § 401.601 shall be filed with the district director whose office processed the determination appealed from within 30 days of—

(a) The service of the administrative determination causing the person to be aggrieved, or

(b) The service of the interpretation referred to in such section.

PAR. 11. Section 401.604 is revised to read as follows:

§ 401.604 Action by district conferee on appeal.

The district conferee shall process and decide an appeal pursuant to the procedural rules of this section:

(a) When administratively feasible, within 30 days after the filing of any appeal in accordance with this subpart, the district conferee shall:

(1) Grant or deny such appeal in whole or in part, or

(2) If a conference has been requested and granted, conduct such conference under such conditions as he deems appropriate,

(3) Invite any other persons affected to attend the conference as he deems appropriate, and,

(4) Issue a notice of the date the conference is to be held to the appellant and all other persons affected invited by the district conferee to participate.

(b) Where a conference on an appeal has been granted, the district conferee shall, when administratively feasible, within 30 days after such conference, grant or deny such appeal in whole or in part.

(c) The district conferee shall serve the appellant and any other person affected who was invited by the district conferee to participate in the conference (or conferences) with notice of the decision rendered by such conferee as a result of such conference (or conferences).

PAR. 12. Section 401.605 is revised to read as follows:

§ 401.605 Effect of decision upon appeal.

A decision of a district conferee pursuant to § 401.604 shall be deemed a final action by the Internal Revenue Service and may be appealed to the Cost of Living Council, Pay Board, or Price Commission, as appropriate, to the extent an appeal is otherwise allowable under the provisions of this title.

PAR. 13. Section 401.606 is revised to read as follows:

§ 401.606 Right to reconsideration.

Any person who is—

(a) A person aggrieved (as defined in § 401.2) by a ruling, or

(b) Subject to any provision of a ruling,

may request a reconsideration of a ruling issued by the office of the chief counsel (Stabilization Division) after March 31, 1972, in the manner set forth in this subpart. A person is, for the purposes of paragraph (b) of this section, subject to such a provision only if the ruling was issued to him, the action is adverse to him, and he has a substantial pecuniary interest. A principal referred to in paragraph (b) of § 401.502 may not make a request for reconsideration pursuant to the provisions of this subpart with respect to the subject matter of the notice of violation served on him. Any request for reconsideration not otherwise in accordance with this subpart, may be rejected by the office of the chief counsel (Stabilization Division).

PAR. 14. Section 401.607 is revised to read as follows:

§ 401.607 Time and place for filing request for reconsideration.

Any request for reconsideration referred to in § 401.606 shall be filed within 30 days of the service of the ruling referred to in such section with the Office of the Chief Counsel for the Internal Revenue Service, Attention: Chief, Appeals and Review Branch, Stabilization Division, CC:S:A, Washington, D.C. 20224.

PAR. 15. Section 401.609 is revised to read as follows:

§ 401.609 Action by Office of the Chief Counsel on reconsideration.

The Office of the Chief Counsel (Stabilization Division) shall process and decide a request for reconsideration pursuant to the procedural rules of this section:

(a) When administratively feasible, within 30 days after the filing of any request for reconsideration in accordance with this subpart, the Stabilization Division shall:

(1) Grant or deny such request in whole or in part, or

(2) If a conference has been requested and granted, conduct such conference under such conditions as it deems appropriate,

(3) Invite any other persons affected to attend the conference as it deems appropriate, and

(4) Issue a notice of the date the conference is to be held to the person seeking a reconsideration and all other persons affected who are invited by the Division to participate.

(b) Where a conference on a request for reconsideration has been granted, the Stabilization Division shall, when administratively feasible, within 30 days after such conference, grant or deny such request in whole or in part.

(c) The Stabilization Division shall serve the person seeking a reconsideration and any other person affected who was invited by such Division to participate in the conference (or conferences) with notice of the decision rendered by such Division as a result of such conference (or conferences).

PAR. 16. Section 401.610 is revised to read as follows:

§ 401.610 Effect of a ruling by the Stabilization Division.

A ruling issued by the Stabilization Division or a decision of the Stabilization Division pursuant to § 401.609 shall be deemed a final action by the Office of the Chief Counsel (Stabilization Division) for the Internal Revenue Service and may be appealed to the Cost of Living Council, Pay Board, or Price Commission, as appropriate, to the extent an appeal is otherwise allowable under the provisions of this title.

PAR. 17. Section 401.611 is revised to read as follows:

§ 401.611 Copy of appeal required when appeals are taken to the Council, Board, or Commission.

Any person qualified under § 401.606 to request a reconsideration may file an appeal with the Cost of Living Council, Pay Board, or Price Commission without seeking a reconsideration or after his request for reconsideration is denied in whole or in part. If an appeal is filed without the seeking of a reconsideration, the right to such reconsideration is forfeited. A copy of an appeal shall in all cases be sent to the Office of the Chief Counsel for the Internal Revenue Service, Attention: Chief, Appeals and Review Branch, Stabilization Division, CC:S:A, Washington, D.C. 20224.

Because of the need for immediate guidance from the Internal Revenue Service with respect to the subject matter of this regulation, it is found impracticable to issue such regulation with notice and public procedure thereon under section 553(b) of Title 5 of the United States Code or subject to the effective date limitation of section 553(d) of such title.

(Economic Stabilization Act of 1970 as amended, Public Law No. 91-379; 84 Stat. 799; Public Law No. 91-558, 84 Stat. 1468; Public Law No. 92-8, 85 Stat. 13; Public Law No. 92-15, 85 Stat. 38; Public Law No. 92-210, 85 Stat. 743; Executive Order No. 11,640, 37 F.R. 1213 (1972), Cost of Living Council Order No. 8, 37 F.R. 2727 (1972), Pay Board Order No. 4, 37 F.R. 3792 (1972), Price Commission Order No. 2, 37 F.R. 3212 (1972))

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

LEE H. HENKEL, JR.,
Chief Counsel for the Internal Revenue Service.

[FR Doc.72-14570 Filed 8-25-72;8:50 am]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Appendix—Second Apportionment of School Breakfast Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1972

Pursuant to section 4 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 886, food assistance funds available for the fiscal year ending June 30, 1972, are reapportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$664,977	$661,260	$3,717
Alaska	59,222	59,222	----------
Arizona	236,479	236,479	----------
Arkansas	403,488	400,350	3,138
California	783,275	783,275	----------
Colorado	225,986	215,718	10,268
Connecticut	100,801	100,801	----------
Delaware	85,916	85,916	----------
District of Columbia	99,490	99,490	----------
Florida	821,665	821,665	----------
Georgia	635,087	635,087	----------
Guam	37,476	37,476	----------
Hawaii	46,427	41,795	4,632
Idaho	4,833	3,000	1,833
Illinois	701,896	701,896	----------
Indiana	269,657	269,657	----------
Iowa	177,570	171,259	6,311
Kansas	202,466	202,466	----------
Kentucky	591,804	591,804	----------
Louisiana	767,000	767,000	----------
Maine	151,000	141,953	9,047
Maryland	320,482	320,482	----------
Massachusetts	225,172	225,172	----------
Michigan	515,020	509,616	5,404
Minnesota	348,004	348,004	----------
Mississippi	563,089	563,089	----------
Missouri	210,049	210,049	----------
Montana	53,480	50,631	2,849
Nebraska	150,352	131,663	18,689
Nevada	19,190	19,163	27
New Hampshire	77,813	77,813	----------
New Jersey	326,876	311,244	15,632
New Mexico	217,440	217,440	----------

State	Total apportionment	State agency	Withheld for private schools
New York	$1,283,250	$1,283,250	
North Carolina	809,132	809,132	
North Dakota	52,384	45,105	$7,279
Ohio	784,332	755,707	28,625
Oklahoma	340,900	340,900	
Oregon	127,884	127,884	
Pennsylvania	779,019	704,807	74,212
Puerto Rico	285,015	285,015	
Rhode Island	91,593	91,593	
South Carolina	591,799	588,659	3,140
South Dakota	114,101	114,101	
Tennessee	645,482	639,197	6,285
Texas	1,013,634	1,001,418	12,216
Utah	85,457	85,457	
Vermont	51,009	51,009	
Virginia	405,912	404,366	1,546
Virgin Islands	10,304	10,304	
Washington	287,732	284,208	3,524
West Virginia	288,720	285,470	3,250
Wisconsin	300,109	273,174	26,935
Wyoming	29,545	29,545	
Samoa, American	29,205	29,205	
Total	18,500,000	18,251,441	248,559

(Secs. 2, 4, 6, and 8 through 16, 80 Stat. 885–890; 42 U.S.C. 1771, 1773, 1775, 1777–1785)

Dated: August 18, 1972.

HOWARD P. DAVIS,
Acting Administrator.

[FR Doc.72-14503 Filed 8-25-72;8:45 am]

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

[Valencia Orange Reg. 405, 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 rulemaking 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) and (ii) of § 908.705 (Valencia Orange Regulation 405, 37 F.R. 16597) during the period August 18, through August 24, 1972, are hereby amended to read as follows:

§ 908.705 Valencia Orange Regulation 405.

* * * * *

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

(i) District 1: 318,000 cartons;

(ii) District 2: 332,000 cartons;

* * * * *

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

Dated: August 23, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-14589 Filed 8-25-72;8:52 am]

[Lemon Reg. 548]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.848 Lemon Regulation 548.

(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 August 22, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 27 through September 2, 1972, is hereby fixed at 200,000 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: August 23, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-14636 Filed 8-25-72;8:52 am]

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be made effective pursuant to the Potato Research and Promotion Plan (37 F.R. 5008) was published in the FEDERAL REGISTER of August 1, 1972 (37 F.R. 15380). This program is effective under the Potato Research and Promotion Act (Title III of Public Law 91–670, 91st Congress, approved January 11, 1971, 84 Stat. 2041). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 15 days following its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the National Potato Promotion Board, established pursuant to the aforesaid Plan, it is hereby found and determined that:

§ 1207.401 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1973, by the National Potato Promotion Board for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $1,900,000.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the Plan shall be one cent ($0.01) per hundredweight of assessable potatoes handled by him as the designated handler thereof during the period beginning the effective date hereof through the remainder of said fiscal period.

(c) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the requirements of this section should be made applicable to as many shipments as possible during the fiscal period in order to generate maximum funds to effectuate the declared policy of the act, (2) assessment income is needed as soon as possible to cover the initial costs of operation under the program and minimize finance charges on borrowed capital, (3) notice that consideration was being given to the approval of this section was published in the August 1, 1972, FEDERAL REGISTER (37 F.R. 15380), and (4) information regarding the provisions of this section is being made available to producers and handlers.

(Title III, Public Law 91-670; 84 Stat. 2041; 7 U.S.C. 2611-2627)

Dated: August 23, 1972, to become effective September 15, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-14635 Filed 8-25-72;8:52 am]

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Subpart—Rules and Regulations

Notice of rule making regarding proposed rules and regulations to be made effective pursuant to the Potato Research and Promotion Plan (37 F.R. 5008) was published in the FEDERAL REGISTER of August 1, 1972 (37 F.R. 15381). This Plan is effective under the Potato Research and Promotion Act (Title III of Public Law 91-670; 84 Stat. 2041).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 15 days following its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the National Potato Promotion Board, established pursuant to the aforesaid Plan, the following administrative rules and regulations are hereby approved as published in the notice except for the addition of clarifying language in § 1207.512, in paragraphs (a) (2), (5), and (8).

These rules and regulations shall become effective on September 15, 1972, and will remain in effect until amended or terminated. They include a requirement for the payment of an assessment to the Board by the designated handler per hundredweight of potatoes handled on and after September 15, 1972. (The rate approved for the fiscal period ending June 30, 1973, is 1 cent per hundredweight.)

DEFINITIONS

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1207.500 Definitions.

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1207.540 Confidential books, records, and reports.
1207.545 Right of the Secretary.
1207.546 Personal liability.

AUTHORITY: The provisions of this subpart issued under Title III of Public Law 91-670, 91st Congress, approved January 11, 1971, 84 Stat. 2041.

DEFINITIONS

§ 1207.500 Definitions.

(a) *Plan.* "Plan" means the Potato Research and Promotion Plan issued by the Secretary of Agriculture pursuant to the act.

(b) *Board.* "Board" means the National Potato Promotion Board, established pursuant to § 1207.320 of the plan.

(c) *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown by producers in the 48 contiguous States of the United States.

(d) *Producer.* "Producer" means any person engaged in the growing of 5 or more acres of potatoes who owns or shares the ownership and risk of loss of such potato crop.

(e) *Handle.* "Handle" means to grade, pack, process, sell, transport, purchase, or in any other way to place potatoes or cause potatoes to be placed in the current of commerce. Such term shall not include the transportation or delivery of field-run potatoes by the producer thereof to a handler for grading, storage, or processing.

(f) *Handler.* "Handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes, including a producer who handles potatoes of his own production.

(g) *Person.* "Person" means any individual, partnership, corporation, association or other entity.

(h) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(i) *Processor.* "Processor" means any person who commercially processes potatoes into potato products, including, but not restricted to, frozen, dehydrated, or canned potato products, potato chips and shoestrings, and flour.

GENERAL

§ 1207.501 Communications.

All communications in connection with the Potato Research and Promotion Plan shall be addressed to: National Potato Promotion Board, Suite 8, 1313 Tremont Street, Denver, CO 80204.

§ 1207.503 Nominations.

(a) Pursuant to § 1207.322 of the plan, the Board shall hold or cause to be held a meeting or meetings of producers in the producing sections or States prior to March 1 of each year to nominate members for the Board.

(b) Such meetings shall be well publicized with notice given to producers and the Secretary at least 10 days prior to the meeting.

§ 1207.505 Procedure.

The procedure for conducting the Board's meetings shall be in accordance with the bylaws adopted by the Board on June 7, 1972, which are hereby approved.

§ 1207.506 Policy.

(a) It shall be the policy of the Board to carry out an effective and continuous coordinated program of marketing research, development, advertising, and promotion in order to help maintain and expand existing domestic and foreign markets for potatoes and to develop new or improved markets.

(b) It shall be the objective of the Board to carry out programs and projects which will provide maximum benefit to the potato industry and no undue preference shall be given to any of the various industry segments.

§ 1207.507 Administrative Committee.

(a) The Board shall annually select from among its members an Administrative Committee consisting of not more than 25 members. Selection shall be made in such manner as the Board may prescribe: *Provided*, That such committee shall include the President; three Vice-Presidents; Secretary and Treasurer of the Board.

(b) The Administrative Committee shall act for the Board in implementing such marketing research, development, advertising, and/or promotion activities as directed by the Board, and shall, subject to such direction, be charged with developing and submitting to the Secretary for his approval specific programs or projects in the name of the Board. The Administrative Committee shall further act for the Board in authorizing contracts or agreements for the development and carrying out of such programs or projects and the payment of the costs thereof with funds collected pursuant to § 1207.342 of the plan.

(1) The Administrative Committee also shall act for the Board in contracting with cooperating agencies for the collection of assessments pursuant to § 1207.513(c).

(c) The Board may assign such other administrative powers and duties to the Administrative Committee as it shall determine, and the Administrative Committee shall act on behalf of and in the name of the Board in all administrative matters.

ASSESSMENTS

§ 1207.510 Levy of assessment.

During the effective period of this subpart, an assessment shall be levied on all potatoes handled for ultimate consumption as human food and seed. Potatoes used for other nonhuman food purposes, including starch, are exempted from assessment but subject to the safeguard provisions of § 1207.515 of this subpart. No more than one such assessment shall be made on any potatoes. No assessments shall be levied on potatoes grown by producers of less than 5 acres of potatoes.

§ 1207.511 Determination of assessable quantity.

The assessable quantity of potatoes in any lot shall be determined on the basis of utilization. Assessments shall be due on the entire lot handled for human consumption, seed, or unspecified purposes if there is no accounting made on the basis of the utilization of such lot. However, if the accounting identifies all or portions of such lot on the basis of utilization, assessments shall be due only on that portion utilized for human consumption and seed.

§ 1207.512 Designated handler.

The assessment on each lot of potatoes handled shall be paid by the designated handler as hereinafter set forth:

(a) Unless otherwise provided in paragraphs (b) and (c) of this section, the designated handler shall be the first handler of such potatoes. The first handler is the person who initially performs a handler function as heretofore defined. Such person may be a fresh shipper, processor, or other person who first places the potatoes in the channels of commerce. A producer who grades, packs, or otherwise performs handler functions thereby becomes a handler and as such assumes first handler responsibilities under this part. The following examples are provided to aid in identification of first handlers who are designated handlers:

(1) Producer delivers field-run potatoes of his own production to a handler for preparation for market. The handler in this instance is the designated handler, regardless of whether he subsequently handles such potatoes for his own account or for the account of the producer.

(2) Producer delivers field-run potatoes of his own production to a handler who takes title to such potatoes and places them in storage for subsequent handling. The handler who purchases such potatoes from the producer is the designated handler.

(3) Producer delivers field-run potatoes to a commercial storage facility for the purpose of holding such potatoes under his own account for later sale. There is no designated handler in this instance since such potatoes have not been handled as heretofore defined and no assessment is due. The designated handler of such potatoes would be identified on the basis of subsequent handling of such potatoes.

(4) Fresh shipper purchases a lot of potatoes from a producer, packs a portion of such potatoes for fresh market, and delivers the balance to a processor. The fresh shipper is the designated handler for all potatoes in the lot.

(5) Handler purchases potatoes from a producer's field or storage for the purpose of preparing such potatoes for market or for transporting such potatoes to storage for subsequent handling. The handler who purchases such potatoes from the producer is the designated handler.

(6) Producer packs and sells potatoes of his own production from the field, roadside stand, or storage to a consumer, itinerant trucker, or other buyer. In performing such handler functions the producer assumes the responsibility of designated handler.

(7) Processor utilizes potatoes of his own production in the manufacture of potato chips, frozen, dehydrated, or canned products for human consumption. In so handling potatoes, the processor assumes the responsibility of designated handler.

(8) Producer utilizes potatoes of his own production for seed in planting his subsequent crop. Such seed potatoes do not enter the current of commerce. There is no designated handler in this instance since such potatoes have not been handled as heretofore defined and no assessment is due. However, an assessment is due on any seed potatoes (whether certified or not) which are sold or otherwise handled by the producer or other handler.

(b) Any person who handles potatoes for a producer thereof under oral or written contract or agreement providing for the sale thereof shall be the designated handler for such potatoes, notwithstanding the fact that the producer may have graded, packed, or otherwise handled such potatoes and thereby became the first handler of such potatoes: *Provided*, That such producer-handler may elect to pay the assessments on his potatoes on behalf of the designated handler.

Examples. A cooperative marketing association, or other person, who makes an accounting to the producer, or pays the proceeds of the sale to the producer would be the designated handler responsible for the assessment.

(c) Any processor who purchases potatoes from the producer thereof shall be the designated handler even though the producer may have graded, packed, or otherwise handled such potatoes and thereby became the first handler of such potatoes: *Provided*, That the producer may elect to pay the assessment on his potatoes on behalf of the designated handler.

§ 1207.513 Payment of assessments.

(a) *Responsibility for payment.* The designated handler is responsible for payment of assessment. He may pay with no reimbursement from the producer. In the alternative, he may collect the assessment from the producer, or deduct such assessment from the proceeds paid to the producer on whose potatoes the assessment is made, provided he furnishes the producer with evidence of such payment. Any such collection or deduction of assessment shall be made not later than the time when the assessment becomes payable by the handler to the Board. Failure of the handler to collect or deduct such assessment does not relieve the handler of his obligation to remit the assessment to the Board.

(1) The assessment shall become payable at the time a determination of assessible potatoes is made in the normal handling process, pursuant to § 1207.511.

(b) *Payment direct to the Board.* (1) Except as provided in paragraph (c) of this section, each designated handler shall remit assessments directly to the Board by check, draft, or money order payable to the National Potato Promotion Board, or NPPB not later than 10 days after the end of the month such assessment is due together with a report (preferably on Board forms) thereon.

(2) All designated handler reports shall contain the following information:

(i) Date of report (which is also date of payment to the Board);

(ii) Period covered by report;

(iii) Total quantity of potatoes determined as assessable during the reporting period, pursuant to § 1207.511.

(3) Designated handlers who collect assessments from producers or withhold assessments from their accounts shall also include a list of all such producers whose potatoes were handled during the period, their addresses and the total assessable quantities handled for each such producer.

(i) In lieu of such a list, the designated handler may substitute authentic copies of settlement sheets given to each producer provided such settlement sheets contain all the information listed above.

(ii) The words "final report" shall be shown on the last report at the close of his marketing season or at the end of

each fiscal period if such handler markets potatoes on a year-round basis.

(4) Prepayment of assessment: (i) In lieu of the monthly assessment and reporting requirements of paragraph (b) of this section, the Board may permit designated handlers to make advance payments of their total estimated assessments for the season to the Board prior to their actual determination of assessable potatoes. Such procedure may be permitted when it is considered by the designated handler to be the more practical method of payment.

(ii) Persons using such procedure shall provide a final annual accounting of actual handling and assessments.

(iii) Specific requirements, instructions, and forms for making such advance payments shall be provided by the Board upon request.

(c) *Payment through cooperating agency.* The Board may authorize other organizations to collect assessments in its behalf. In any State or area in which the Board has negotiated an agreement to collect assessments with an agency such as a State Potato Commission or a Potato Association approved by the Secretary, the designated handler shall pay the assessment to such agency in the time and manner, and with such identifying information as specified in such agreement. Such an agreement shall not provide any cooperating agency with authority to collect confidential information from handlers; to qualify, the cooperating agency must on its own accord have access to all information required by the Board for collection purposes. If the Board requires further evidence of payment than provided, it may acquire such evidence from individual designated handlers.

(1) All such agreements are subject to the requirement of § 1207.352 *Confidential treatment*, of the plan, the provisions of section 310(c) of the Act, and all applicable rules and regulations and financial safeguards in effect under the Act and the plan; and all affected persons shall agree to, and conduct their operations and activities in accordance with, such requirements.

§ 1207.514 Refunds.

Any potato producer from whom an assessment has been collected or withheld may obtain a refund only by following the procedure prescribed in this section.

(a) *Application form.* A producer shall obtain a refund form from the Board by written request which shall bear the producer's signature.

(b) *Submission of refund application to Board.* Any producer requesting a refund shall mail an application on the prescribed form to the Board within 90 days from the date the assessment was collected from such producer or withheld from his account by a designated handler. The refund application shall show (1) producer's name and address, (2) handler's or handlers' name(s) and address(es); (3) the number of hundredweight on which refund is requested; (4) date or inclusive dates on which assessments were paid; and (5) the producer's signature. Where more than one producer shared in the assessment payment, joint or separate refund application forms may be filed. In any such case the refund application shall show the names addresses and proportionate shares of such producers and the signature of each.

(c) *Proof of payment of assessment.* The receipt given to the producer by the handler, a copy thereof, or such other evidence satisfactory to the Board, shall accompany the producer's refund application. Within 60 days from the date the properly executed application for refund is received by the Board, the Board shall make remittance to the producer. For joint applications, the remittance shall be made payable jointly to all eligible producers signing the refund application form.

§ 1207.515 Safeguards.

The Board may require reports by designated handlers on the handling and disposition of exempted potatoes. Also, authorized employees of the Board or the Secretary, may inspect such books and records as are appropriate and necessary to verify the reports on such disposition.

RECORDS

§ 1207.532 Retention period for records.

Each handler required to make reports pursuant to this subpart shall maintain and retain for at least 2 years beyond the marketing year of their applicability: (a) One copy of each report made to the Board; and (b) such records as are necessary to verify such reports.

§ 1207.533 Availability of records.

Each handler required to make reports pursuant to this subpart shall make available for inspection by authorized employees of the Board or the Secretary during regular business hours, such records as are appropriate and necessary to verify reports required under this subpart.

CONFIDENTIAL INFORMATION

§ 1207.540 Confidential books, records, and reports.

All information obtained from the books, records, and reports of handlers and all information with respect to refunds of assessments made to individual producers shall be kept confidential in the manner and to the extent provided for in § 1207.352 of the plan.

§ 1207.545 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive action proposed and prepared by the Board shall be submitted to the Secretary for his approval.

§ 1207.546 Personal liability.

No member of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

It is hereby found that good cause exists for not postponing the effective date of these rules and regulations beyond September 15, 1972, in that (1) it is necessary to place these rules and regulations in effect prior to the handling of the fall potato crop which begins on or about the effective date hereof, so that this program may begin operations, (2) notice hereof has been given by publication in the FEDERAL REGISTER of August 1, 1972 (37 F.R. 15381) and (3) information regarding these rules and regulations is being made available to producers and handlers.

(Title III, Public Law 91-670; 84 Stat. 2041; 7 U.S.C. 2611-2627)

Dated August 23, 1972, to become effective September 15, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-14634 Filed 8-25-72;8:52 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

PART 9—PUBLIC RECORDS

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Restructuring of Facility License Application Review and Hearing Processes

On July 28, 1972, F.R. Doc. 72-11730 was published in the FEDERAL REGISTER (37 F.R. 15127) amending the Atomic Energy Commission's regulations in 10 CFR Parts 2, 9, and 50 to restructure the Commission's facility license application review and hearing processes and make other changes. The text of the first sentence in paragraph 11 of the statement of considerations (p. 15128), the text of section VId) in paragraph 45 of the notice of rule making (p. 15142), and the text of the prefatory language in § 2.790 (a) in paragraph 37 (p. 15137) in F.R. Doc. 72-11730 are corrected to read as follows:

11. The provision in Appendix A of 10 CFR Part 2 to the effect that it is expected that ordinarily a board will render its initial decision within 45 days after receipt of proposed findings of fact and conclusions of law in a contested case and 15 days after such receipt in an uncontested case has been changed to indicate that the expected periods will be 30 days and 15 days, respectively.

VI. POSTHEARING PROCEEDINGS, INCLUDING THE INITIAL DECISION

* * * * *

(d) It is expected that ordinarily a board will render its initial decision within 30 days after its receipt of proposed findings of fact and conclusions of law filed by the parties in a contested case and within 15 days after

receipt of such proposed findings and conclusions in an uncontested case.

* * * * *

§ 2.790 Public inspections, exemptions, requests for withholding.

(a) Subject to the provisions of paragraphs (b), (d), and (e) of this section, final AEC records and documents,[10] including but not limited to correspondence to and from the AEC, regarding the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, or order, or regarding a rule making proceeding subject to this part shall not, in the absence of a compelling reason for nondisclosure after a balancing of the interests of the person or agency urging nondisclosure and the public interest in disclosure, be exempt from disclosure and will be made available for inspection and copying in the AEC Public Document Room, except for:

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 21st day of August 1972.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.72-14467 Filed 8-25-72;8:45 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 7]

PART 123—DISASTER LOANS

Purposes of Loans; Correction

The document (F.R. Doc. 72-12726) amending Part 123 (Revision 7), published in the Federal Register on August 12, 1972, at 37 F.R. 16387, is corrected by changing "Amendment 1" to read "Amendment 2."

Anthony S. Stasio,
Deputy Associate Administrator for Financial Assistance.

[FR Doc.72-14549 Filed 8-25-72;8:49 am]

Chapter III—Economic Development Administration, Department of Commerce

PART 302—DESIGNATION OF AREAS

Miscellaneous Amendments

Correction

In F.R. Doc. 72-14289 appearing on page 16933 in the issue for Wednesday, August 23, 1972, make the following changes:

1. Section 302.20(a)(2) should read as follows:

(2) Those areas qualified in accordance with § 302.2(e) subsequent to August 5, 1971, and eligible only for assistance under Title I of the Act shall not be required to file an Overall Economic Development Program.

2. Section 302.20(b) should read as follows:

(b) Any area, other than those areas qualified in accordance with § 302.2 (d) and (e), which does not submit an acceptable OEDP within 6 months after notification of its eligibility for designation shall not thereafter be designated prior to the next annual review of eligibility; however, such period may be extended for good cause;

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-SW-42]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at DeQueen, Ark.

On July 11, 1972, a notice of proposed rule making was published in the Federal Register (37 F.R. 13558) stating the Federal Aviation Administration proposed to designate a transition area at DeQueen, Ark.

Interested persons were afforded an opportunity to participate in the rule making through 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., November 9, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

DeQueen, Ark.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sevier County Airport (latitude 34°02'44" N., longitude 94°23'58" W.) and within 3.5 miles each side of the 269° bearing from the DeQueen NDB (latitude 34°02'39" N., longitude 94°23'59" W.) extending from the 5-mile radius area to a point 10 miles west of the NDB.

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

Issued in Fort Worth, Tex., on August 18, 1972.

R. V. Reynolds,
Acting Director, Southwest Region.

[FR Doc.72-14519 Filed 8-25-72;8:46 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2258]

PART 13—PROHIBITED TRADE PRACTICES

Cavalier Carpets, Inc., and M. W. Moore, Jr.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) (Cease and desist order, Cavalier Carpets, Inc., et al., Dalton, Ga., Docket No. C-2258, July 21, 1972)

In the Matter of Cavalier Carpets, Inc., a Corporation, and M. W. Moore, Jr., Individually and as an Officer of Said Corporation

Consent order requiring a Dalton, Ga., manufacturer of carpets and rugs, among other things, to cease manufacturing for sale, selling, transporting, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued or amended under the provisions of the Flammable Fabrics Act.

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

It is ordered, That respondent Cavalier Carpets, Inc., a corporation, its successors and assigns, and its officers, and respondent, M. W. Moore, Jr., individually and as an officer of said corporation and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting, or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the

[10] Such records and documents do not include handwritten notes and drafts.

products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (5) any disposition of said products since July 20, 1971, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action. Respondents will submit with their report, a complete description of each style of carpet or rug currently in inventory or production. Upon request, respondents will forward to the Commission for testing a sample of any such carpet or rug.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

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

Issued: July 21, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-14516 Filed 8-25-72;8:46 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-9717]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Presentation of Records, Reports, and Forms for Reports on Stabilizing Activities

The Securities and Exchange Commission today announced the adoption of amendments to Rule 17a–2 (17 CFR 240.17a–2) and Form X–17A–1 (17 CFR 249.717) under the Securities Exchange Act of 1934 (the Act). The amendments are adopted under sections 10(b), 17(a), and 23(a) of the Act.

On May 24, 1972, in Securities Exchange Act Release No. 9605 and in the FEDERAL REGISTER for June 1, 1972, at 37 F.R. 10960, the Commission proposed to amend Rule 17a–2 and Form X–17A–1. It has considered the comments and suggestions received in response to that proposal and now amends that rule and form as set forth below.

Rule 17–a–2 provides for the filing of reports on Form X–17A–1 by all members of an underwriting syndicate or group engaged in a distribution of securities if stabilizing purchases have been made to facilitate the distribution. The purpose of such reports is to inform the Commission whether (1) stabilizing transactions on behalf of the syndicate or group were effected in conformity with the restrictions and limitations of Rule 10b–7 (17 CFR 240.10b–7) under the Act and therefore properly come within exception (8) of Rule 10b–6 (17 CFR 240.10b–6) which permits "stabilizing transactions not in violation of Rule 10b–7" and (2) whether any other activity by any member of the syndicate violated the prohibitions of Rule 10b–6 against the purchase of securities of the same class and series of those being distributed.

As is currently provided in Rule 17a–2 and Form X–17A–1, the member of the syndicate which makes stabilizing purchases for the syndicate account is required to file separate reports on Form X–17A–1 respecting syndicate transactions in the stabilized and offered securities and in any rights to subscribe for them. These must be filed on each business day following the day on which such transactions occur. Such reports are filed in its capacity "as manager." As to the other members of the syndicate for whose account stabilizing purchases were made, each of them is merely required to file one report on Form X–17A–1 "not as manager," reflecting all of his transactions in the same securities within a specified period ending with the termination of stabilization. This report, "not as manager," must be filed within 5 business days after such termination.

In a recent survey conducted by the Commission into, among other things, the examination and processing of Form X–17A–1 reports, it has been ascertained that the separate, "not as manager" filing in connection with a given distribution casts an undue time consuming burden on the Commission's staff in the processing of these reports. Accordingly, in the interests of efficiency and expedition, the Commission is adopting a new paragraph (d)(5) of Rule 17a–2 and an amendment of paragraphs (d)(1) and (e) of the rule as well as of Instruction V of Form X–17A–1 which would require the "not as manager" reports to be made to the syndicate manager within the same period as they are now required under the rule to be filed; namely, within 5 business days after the termination of stabilization. In turn, under the amendments, the manager would have 15 business days after such termination to file with the Commission all of the "not as manager" reports, including its own "not as manager" report reflecting its transactions in the same securities during the prescribed period, other than its transactions for the syndicate account. The amended rule will also impose upon the managing underwriter the obligation to submit to the Commission in writing at the time it files all the "not as manager" reports with the Commission, a list of all syndicate or group members who are delinquent in filing their "not as manager" reports with such managing underwriter within 5 business days after the termination of stabilization.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 10(b), 17(a), and 23(a) thereof, and deeming it in the public interest and for the protection of investors, hereby amends Parts 240 and 249 of Chapter II of Title 17 of the Code of Federal Regulations by adopting amendments to §§ 240.17a–2 and 249.717 as set forth below, effective September 25, 1972.

Paragraphs (d) (1) and (5) and (e) of § 240.17a–2 are hereby amended to read as follows:

§ 240.17a–2 Presentation of records and reports of certain stabilizing activities.

* * * * *

(d) *Reports as manager.* Any person subject to this section who effects one or more stabilizing purchases for his sole account or for the account of a syndicate or group shall:

(1) Report to the Commission "as manager" on § 249.717 (Form X–17A–1) of this chapter, in duplicate original, not later than 3 business days following the day upon which the first stabilizing purchase was effected, all purchases, sales, and transfers, in the stabilized and offered securities, and if the offering is a rights offering, in the rights, during the period beginning on the ninth business

day prior to the first day upon which the offering was made or beginning on the business day prior to the day on which the first stabilizing purchase was effected, whichever date is earlier, and ending on the day upon which the first stabilizing purchase was effected: *Provided, however,* That in the case of securities offered pursuant to an effective registration statement under the Securities Act of 1933 the distribution shall not be deemed to commence for purposes of this subparagraph (1) prior to the effective date of the registration statement; and

* * * * *

(5) Such person shall require from all other members of the syndicate or group, as a condition for becoming and remaining such members, a commitment to file with such person the reports in duplicate original, "not as manager," on § 249.717 (Form X–17A–1) of this chapter in accordance with the requirements of paragraph (e) of this section; and such person shall, together with such person's own report, if any, "not as manager," file in duplicate original with the Commission each such report "not as manager" within 15 business days following the day upon which stabilizing was terminated. If, after making a reasonable effort to obtain all "not as manager" reports from syndicate or group members in accordance with his obligation under this section, the managing underwriter has not received all such reports from such syndicate or group members within the time prescribed by paragraph (e) of this section, the managing underwriter shall also submit to the Commission, in duplicate original, at the time the managing underwriter files the "not as manager" reports required by this paragraph, a list of all members of the syndicate or group who have not filed their "not as manager" reports with such managing underwriter in accordance with the requirements of paragraph (e) of this section.

(e) *Reports not as managers.* Any other person subject to this section who has a participation in an account for which a stabilizing purchase is effected (other than a person stabilizing for his sole account all of whose transactions are reported "as manager") shall, not later than 5 business days following the day upon which stabilizing was terminated, report to the Commission on § 249.717 (Form X–17A–1) of this chapter by transmission to the person who is required to report "as manager" pursuant to paragraph (d) of this section, all purchases, sales, and transfers in the stabilized and offered securities, and if the offering is a rights offering, in the rights, during the period beginning on the ninth business day prior to the first day upon which the offering was made or on the business day prior to the day upon which the first stabilizing purchase was effected, whichever date is earlier, and ending on the day when stabilizing was terminated: *Provided, however,* (1) That transactions reported "as manager" shall not again be reported "not as manager" and (2) That in the case of securities offered pursuant to an effective registration statement under the Securities Act of 1933 the distribution shall not be deemed to commence for purposes of this paragraph (e) prior to the effective date of the registration statement.

* * * * *

§ 249.717 [Amended]

Instruction V of § 249.717 (Form X–17A–1) is hereby amended to read as follows:

V. Instructions "Not as Manager": (a) A person reporting "not as manager" should file a single report in duplicate original on § 249.717 (Form X–17A–1) with the Commission by transmitting it through the person required to report "as manager" after stabilizing has terminated, and within 5 business days after such termination. (See "Period To Be Covered," paragraph III above.) (b) In item 1, immediately below these instructions, enter all of your agency transactions for the account of others during the "Period To Be Covered," and in item 3, on the other side of this form, enter all takedowns, purchases, sales, and transfers for your own account that were made during the "Period To Be Covered," and total columns C and H. (c) In item 2 indicate your net position at the opening of the first day of the "Period To Be Covered," usually the ninth business day prior to the offering date, and in item 4 indicate your net position at the end of the "Period To Be Covered," the termination of stabilization. (d) A separate report should be filed for each security offered or stabilized.

(Sec. 10(b), 48 Stat. 891, 15 U.S.C. 78j; sec. 17(a), 48 Stat. 897, as amended, 49 Stat. 1379, sec. 4, 52 Stat. 1076, sec. 5, 15 U.S.C 78q; sec. 23(a), 48 Stat. 901, as amended, 49 Stat. 1379, sec. 8, 15 U.S.C. 78w)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

AUGUST 15, 1972.

[FR Doc. 72–14350 Filed 8–25–72;8:46 am]

[Release IC–7276]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Fair and Equitable Treatment of Series Type Investment Company Shareholders

On February 17, 1972, the Securities and Exchange Commission published notice that it had under consideration adoption of Rule 18f–2 (17 CFR 270.18f–2) under the Investment Company Act of 1940 (Act), (15 U.S.C. 80a–1 et seq.) as amended by the Investment Company Amendments Act of 1970 (1970 Act), Public Law 91–547 (84 Stat. 1421) (Investment Company Act Release No. 6998), (37 F.R. 4219). The rule would implement the provision of section 18(f)(2) of the Act (15 U.S.C. 80a–18(f)(2)) which was added by the 1970 Act.

The notice invited all interested persons to comment on the proposed rule. The Commission has considered all the comments and suggestions received and has determined to adopt Rule 18f–2, with certain modifications, in the form set forth below.

The amendment made by the 1970 Act to section 18(f)(2) of the Act authorizes the Commission to adopt rules to require registered investment companies of the series type, as a requisite for taking action on a matter requiring shareholder authorization, to obtain the approval of each individual class or series of its stock which would be affected by such matter. The rule requires that any matter required by any provision of the Act, applicable State law, or otherwise to be submitted to the holders of the outstanding securities of a series company to be approved by holders of the majority of the outstanding voting securities of each affected series. The rule would not cover the submission to shareholders of independent public accountants, underwriting contracts, elections of directors, and matters in which interests of series are substantially identical. The rule has special provisions concerning advisory contracts and investment policies which provide individualized treatment for separate series.

Section 18(f)(1) (15 U.S.C. 80a–18(f)(1)) of the Act makes it unlawful for any registered open-end investment company to issue or sell any senior security. However, section 18(f)(2) excludes from the definition of senior security "a class or classes or a number of series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series." Investment companies issuing such securities are commonly known as "series companies."[1] The individual series of such a company are, for all practical purposes, separate investment companies. Each series of stock represents a different group of stockholders with an interest in a segregated portfolio of securities. Shareholders of series companies generally have only one vote for each share held, and matters requiring shareholder action are generally decided by vote of a specified percentage of the outstanding securities of such companies, irrespective of series. In this connection, both the Senate and House Committee reports accompanying bills which eventually became the 1970 Act pointed out that

> * * * matters affecting the interest of holders of shares of a particular series are voted on by the holders of shares of all existing series and such vote may be controlled by the holders of an unaffected series. In effect, the shareholders of different series whose interest may be inconsistent are lumped together.[2]

[1] The rule does not apply to dual investment funds, since they are not series companies within the meaning of section 18(f)(2). Such funds typically issue two separate classes of securities, with one class entitled to receive all the net income from all of the investments of the fund and the other class entitled to receive all capital appreciation on such investments.

[2] Senate Rep. 91–184, 91st Cong., first session (1969), p. 38 (hereafter referred to as "Senate Report"); and House Rep. 91–1382, 91st Cong., second session (1970), p. 28 (hereafter referred to as "House Report").

In order to remedy this situation and thereby to insure fair and equitable treatment of the holders of each class or series of stock of such companies, the 1970 Act amended section 18(f)(2) of the Act to give the Commission specific authority by rule, regulation or order to require that any matter affecting shareholders of any series of shares issued by such companies be voted upon separately by such series.[3] The legislative history also states that it is not intended that any rule would relieve a company of any requirements with respect to voting that may be applicable under State law.[4]

Rule 18f-2 implements this amendment by providing in paragraph (a) that any matter required to be submitted to all holders of the outstanding voting securities of a series company shall not be deemed to have been effectively acted upon unless approved by a majority of the holders of the outstanding voting securities of each class or series of stock affected by such matter. Matters covered by this rule generally include proposed changes in investment policy, and approval of investment advisory contracts for which shareholder approval is required by the Act. Matters required by State law (e.g., approval of mergers and reorganizations) or otherwise (e.g., by charter or bylaws) to be submitted for shareholder approval are also covered by the rule.

Paragraph (b) of the rule provides that, for the purposes of paragraph (a), a class or series of stock will be deemed to be affected by such a matter unless (1) the interests of each class or series in the matter are substantially identical, or (2) the matter does not affect any interests of such class or series. Therefore, in matters not affecting all series alike, a registered series investment company could not take any action requiring shareholder approval without the affirmative vote of the holders of a majority of the outstanding voting securities of each series of stock which would be affected by such action. Of course, in the event that a particular series would not be affected by a matter requiring shareholder action, a vote of the majority of the outstanding voting securities of such unaffected series would not be required by paragraph (a).

Paragraph (c) of the proposed rule modifies paragraph (a) as applied to investment advisory contracts which must be submitted for shareholder approval. This paragraph is intended to prevent the holders of a particular series from exercising a veto power over the advisory contract as it pertains to other series which have approved the contract.[5] This paragraph would also afford a series company an exemption[6] from the requirement in section 15(a) (of the Act, 15 U.S.C. 80a-15(a)) that a majority of the outstanding voting securities of the investment company approve an advisory contract. This would enable the advisory contract to be operative with respect to a series whose holders have approved the contract without also having to obtain the approval of a majority of the outstanding voting securities of the investment company, irrespective of series. However, if applicable State law or charter or bylaw of a series company requires approval by the outstanding voting securities of the series company, then this exemption would not be available.[7]

In order to achieve these purposes, subparagraph (1) of paragraph (c) provides that a matter relating to the submission of an advisory contract for which section 15(a) (of the Act) requires shareholder approval shall be deemed to be effectively acted upon for the purposes of the Act with respect to any series which approves such matter notwithstanding (A) that such matter has not been approved by the holders of a majority of the outstanding voting securities of any other series affected by such matter and (B) that such matter has not been approved by the vote of a majority of the outstanding voting securities of such company, except that if such majority specified in clause (B) is required by State law or otherwise, such requirement would apply.

Paragraph (c)(2) contains special provisions which are designed to prevent the "orphaning" of a series where its outstanding voting securities fail to approve an advisory contract. Subparagraph (2) would permit the present investment adviser to continue furnishing investment advisory services to such a series until the series approves the same contract or a new contract with the same or different adviser, or some other definitive action is taken. However, during such period, the adviser's compensation would be limited to its actual costs incurred in rendering advisory services to such series or to the compensation specified under the contract, whichever is less.[8]

The proposed rule would not require that each series have a separate investment adviser. However, the rule would prevent the holders of a particular series from having to accept an investment adviser or advisory contract which they reject. In this connection, the board of directors of the investment company, in the exercise of its fiduciary obligations, would be required to plan and take appropriate actions to protect the interests of the holders of any series which does not approve an advisory contract, e.g., obtain the services of a more suitable investment adviser to manage the portfolio of such series or renegotiate the terms of the advisory contract. In certain circumstances, it may be appropriate for a board of directors to resubmit the same advisory contract to shareholders of a series which did not approve the contract, e.g., if the failure to approve is due solely to the failure to receive a sufficient return of proxies and no circumstances indicate dissatisfaction with the adviser or with the terms of such contract.

Finally, in the case of approval of an existing investment advisory contract by a newly created series of an existing registered series company, the requirements of paragraph (c) with respect to the new series would be met if the security holders of the new series approve the contract at the first regular or special meeting of the series company following the initial offering and sale of the securities of the new series.[9]

Paragraph (d) of the rule provides treatment similar to that provided advisory contracts by paragraph (c)(1) for matters relating to the approval of changes in investment policies of series companies under section 13 of the Act.

Paragraph (e) of the rule provides an exemption from the separate voting requirements of paragraph (a) for the submission of an independent public accountant to shareholders required by section 32(a) of the Act. (15 U.S.C. 80a-31(a)). Such a matter is not one in which series would generally have inconsistent interests since their primary concern is obtaining the services of a competent accountant who will give them an accurate picture of the financial condition of their series and company.

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[3] The test of the amendatory language of section 18(f)(2) of the Act reads as follows: "For the purpose of insuring fair and equitable treatment of the holders of the outstanding voting securities of each class or series of stock of such company, the Commission may by rule, regulation, or order direct that any matter required to be submitted to the holders of the outstanding voting securities of such company shall not be deemed to have been effectively acted upon unless approved by the holders of such percentage (not exceeding a majority) of the outstanding voting securities of each class or series of stock affected by such matter as shall be prescribed in such rule, regulation, or order."

[4] See Senate Report, p. 39, and House Report, p. 28.

[5] Since, in the ordinary case, the holders of one series might have an interest in an advisory contract which is inconsistent with or different from another series, paragraph (a), without the provisions of paragraph (c), would require that a majority of the holders of each series approve the contract before it could become effective.

[6] Section 6(c) of the Act (15 U.S.C. 80a-6(c)) authorizes the Commission, by rules and regulations, to exempt conditionally or unconditionally any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

[7] A series company which has such a charter or bylaw provision and which wishes to avail itself of the exemption from section 15(a) afforded by the rule could obtain necessary shareholder approval of an amendment to such provision at the annual or special meeting at which the advisory contract is submitted to shareholders.

[8] This procedure is similar to the Commission's present administrative practice in granting certain exceptions from section 15(a) of the Act. See, e.g., Investment Company Act Release No. 6239 (November 16, 1970).

[9] See the analogous procedure for new companies in Guidelines for the preparation of Forms S-4 and S-5 (17 CFR 239.14, 239.15). Investment Company Act Release No. 7220 (June 9, 1972) (37 F.R. 12790).

Paragraph (f) of the rule provides an exemption from the separate voting requirements of paragraph (a) for the submission of underwriting contracts to the extent required by section 15(b) of the Act (15 U.S.C. 80a–15(b)). Shareholder approval of such contracts is required only in the case of investment companies which have no board of directors.

Paragraph (g) of the rule exempts from paragraph (a) the submission of nominees for election as directors to shareholders required by section 16(a) of the Act (15 U.S.C. 80a–16(a)).

Paragraph (h) of the rule defines "majority of the outstanding voting securities" of a class or series of a series investment company. As to matters for which shareholder approval is required by the Investment Company Act, the provisions of section 2(a)(42) of the Act (15 U.S.C. 80a–2(a)(42)) would apply. But as to matters required by State law or otherwise to be submitted to shareholders, the minimum vote of the outstanding voting securities of a company specified by State law, or other applicable requirement, would apply, unless section 2(a)(42) is less stringent, in which case that section would apply. However, if State law requires approval of the outstanding voting securities of a particular series, then the vote specified by such law would apply.

The operation of the proposed rule is demonstrated in the following example:

Assume that an investment company issues two series of stock, one series for capital growth and the other for income, and that changes have been made in the investment advisory contract with the company, thus requiring the contract to be submitted to shareholders for approval. Also, assume that the company has had an unfavorable investment record on its income series and a relatively favorable record on its growth series. Thus the interests of growth and income series are not substantially identical in all material respects. Thus, the provisions of paragraph (a) of the proposed rule would require that the contract be approved by a majority of the holders of the outstanding voting securities of each series. However, paragraph (c) would permit the advisory contract to become operative as to the growth series if a majority of the holders of the outstanding voting securities of such series were to approve the contract, even though a majority of the holders of the outstanding voting securities of the income series does not so approve. In addition, because of the exemption from section 15(a) of the Act provided by paragraph (c), the contract could become effective as to the growth series even though the holders of a majority of the outstanding voting securities of the company do not approve the contract, unless State law, the charter, bylaws or other applicable provisions required such a majority. Of course, the advisory contract would not become effective as to the income series.

Commission action. Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding a new § 270.18f–2 reading as follows:

§ 270.18f–2 Fair and equitable treatment for holders of each class or series of stock of series investment companies.

(a) For purposes of this § 270.18f–2 a series company is a registered open-end investment company which, in accordance with the provisions of section 18(f)(2) of the Act, issues two or more classes or series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series. Any matter required to be submitted by the provisions of the Act or of applicable State law, or otherwise, to the holders of the outstanding voting securities of a series company shall not be deemed to have been effectively acted upon less approved by the holders of a majority of the outstanding voting securities of each class or series of stock affected by such matter.

(b) For the purposes of paragraph (a) of this § 270.18f–2, a class or series of stock will be deemed to be affected by such a matter, unless (1) the interests of each class or series in the matter are substantially identical, or (2) the matter does not affect any interest of such class or series.

(c)(1) With respect to the submission of an investment advisory contract to the holders of the outstanding voting securities of a series company for the approval required by section 15(a) of the Act, such matter shall be deemed to be effectively acted upon with respect to any class or series of securities of such company if a majority of the outstanding voting securities of such class or series vote for the approval of such matter, notwithstanding (i) that such matter has not been approved by the holders of a majority of the outstanding voting securities of any other class or series affected by such matter, and (ii) that such matter has not been approved by the vote of a majority of the outstanding voting securities of such company, provided that if such a majority is required by State law or otherwise, such requirement shall apply.

(2) If any class or series of securities of a series company fails to approve an investment advisory contract in the manner required by subparagraph (1) of this paragraph (c), the investment adviser of such company may continue to serve or act in such capacity for the period of time pending such required approval of such contract, of a new contract with the same or different adviser, or other definitive action; provided that the compensation received by such investment adviser during such period is equal to no more than its actual costs incurred in furnishing investment advisory services to such class or series or the amount it would have received under the advisory contract, whichever is less.

(d) With respect to the submission of a change in investment policy to the holders of the outstanding voting securities of a series company for the approval required by section 13 of the Act, such matter shall be deemed to have been effectively acted upon with respect to any class or series of such company if a majority of the outstanding voting securities of such class or series vote for the approval of such matter, notwithstanding (1) that such matter has not been approved by the holders of a majority of the outstanding voting securities of any other class or series affected by such matter, and (2) that such matter has not been approved by the vote of a majority of the outstanding voting securities of such company, provided that if such a majority is required by State law or otherwise, such requirement shall apply.

(e) The submission to shareholders of the selection of the independent public accountant of a series company required by section 32(a) (of the Act) shall be exempt from the separate voting requirements of paragraph (a) of this § 270.18f–2.

(f) The submission to shareholders of a contract with a principal underwriter of a series company required by section 15(b) of the Act shall be exempt from the separate voting requirements of paragraph (a) of this § 270.18f–2.

(g) The submission to shareholders of nominees for election as directors required by section 16(a) of the Act shall be exempt from the separate voting requirements of paragraph (a) of this § 270.18f–2.

(h) For the purposes of this § 270.18f–2 a "majority of the outstanding voting securities" of a class or series, (1) when used with respect to a matter required by any provision of the Act to be submitted to the outstanding voting securities of a series company, shall have the same meaning as a "majority of the outstanding voting securities of a company" as defined in section 2(a)(42) of the Act; and (2) when used with respect to any other matter required to be submitted to the outstanding voting securities of a series company, shall mean the lesser of (i) the minimum vote of the outstanding voting securities of a company required by applicable State law or other applicable requirement, or (ii) the minimum vote specified by subparagraph (1) of this paragraph, unless State law requires approval of such matters by a specified percentage of the outstanding voting securities of a particular class or series, in which case, State law shall apply.

Rule 18f–2 is adopted pursuant to the authority granted to the Commission in sections 6(c), 13, 15(a), 15(b), 16(a), 18(f)(2), 32(a), and 38(a) of the Investment Company Act. The rule shall become effective December 31, 1972," in order to afford registered series investment companies sufficient time to take necessary adjustments to comply with the rule.

(Secs. 6(c), 13, 15(a), 15(b), 16(a), 18(f)(2), 32(a), 54 Stat. 800, 811, 812, 813, 817, 838, 841, 15 U.S.C. 80a–6(c), 80a–13, 80a–15(b), 80a–16(a), 80a–18(f)(2), 80a–31(a), 80a–37(a), Public Law 91–547, 84 Stat. 1421)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

AUGUST 8, 1972.

[FR Doc.72–14540 Filed 8–25–72;8:48 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Ipronidazole

The Commissioner of Food and Drugs has evaluated supplemental new-animal drug applications (43-477V) filed by Hoffmann La Roche, Inc., Nutley, N.J. 07110 proposing amendments to the regulation for ipronidazole to provide for its additional use in feed for breeding turkeys and to provide for its use for increasing rate of weight gain and improving feed efficiency in growing turkeys. The supplemental applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.56 is amended in the table in paragraph (f) to read as follows:

§ 135e.56 Ipronidazole.

* * * * *

(f) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Ipronidazole.	56.75 (0.00625%)			Withdraw 4 days before slaughter. Do not feed to turkeys producing eggs for food.	As an aid in the prevention of blackhead (histomoniasis) in turkeys. For increased rate of weight gain and improved feed efficiency in growing turkeys.
2. Ipronidazole.	* * *	* * *	* * *	Withdraw 4 days before slaughter. Do not feed to turkeys producing eggs for food.	* * *

Effective date This order shall be effective upon publication in the FEDERAL REGISTER (8-26-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: August 17, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72-14446 Filed 8-25-72;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 71-69a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Portage River, Ohio

This amendment changes the regulations for the Monroe Street Bridge across the Portage River at mile 1.1 to permit closed periods and for the Penn Central railroad bridge at mile 1.51 to provide additional periods during which the draw will open for the passage of vessels. This amendment was circulated as a public notice dated July 7, 1971, by the Commander, Ninth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71-69) on July 13, 1971 (36 F.R. 13038).

There were 14 letters and a petition with 13 signatures that either supported or had no objection to the proposed regulations for the Monroe Street Bridge. There were four letters opposing its adoption because they felt more frequent openings should be provided. In view of the high vehicular traffic count on weekends, when this regulation will be in effect, its amendment is adopted. If additional data in the future demonstrates the need for further revision, this will be accomplished at that time.

The present regulations governing the operation of the Penn Central railroad bridge became effective on December 12, 1963. At that time there was only minimal river traffic in that reach of the Portage River. Since that time there has been substantial residential and marina development both above and below this bridge. The Coast Guard feels that the public interest now requires additional periods during which the draw shall open on signal and the proposed amendment is adopted. This may be revised in the future if additional data justifies such a change.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended to read as follows:

§ 117.641 [Amended]

(1) By revoking § 117.641(f)(8).

(2) By revising § 117.705a; as follows:

§ 117.705a Portage River, Ohio; Penn Central railroad bridge.

* * * * *

(e) The bridge shall not be required to open for pleasure craft carrying appurtenances unessential to navigation which extend above the normal superstructure. Upon request, the District Commander will cause an inspection to be made of the superstructures and appurtenances of any such craft habitually frequenting the waterway.

(f) From May 1 through December 1 the draw shall open on signal. From December 2 through April 30 the draw shall open on signal if at least 24 hours' notice has been given.

(g) Clearance gages as prescribed by the Commandant shall be installed on the upstream and downstream sides of the bridge.

(h) The owner of or agency controlling this bridge shall post notice containing the provisions of these regulations both upstream and downstream of the drawbridge, on the bridge, or elsewhere in such a manner that they can easily be read at all times from an approaching vessel. The notice shall state how the authorized representative may be reached.

NOTE: [Deleted.]

(3) By adding a new § 117.705b to read as follows:

§ 117.705b Portage River, Ohio; Monroe Street Bridge, Portage, Ohio.

(a) The owners of or agencies controlling the bridge shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(b) From May 1 through December 1 the draw shall open on signal, except that from 6 p.m. to 12 p.m. on Fridays, and 6 a.m. to 12 p.m. on Saturdays, Sundays, and legal holidays from May 15 through October 31, the draw shall open for the passage of vessels from 3 minutes before to 3 minutes after the hour and half hour. From December 2 through April 30 the draw shall open on signal if at least 24 hours' notice has been given.

(c) Signals:

(1) Opening signal. One long blast followed by one short blast of a whistle, horn, or siren.

(2) Acknowledging signal. One long blast followed by one short blast.

(3) When the draw cannot open immediately or is to close. Four short blasts.

(d) Vehicles shall not be stopped on the bridge for the purpose of delaying the opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passages over or through the bridge shall be prompt to prevent delay to either land or water traffic.

(e) The bridge shall not be required to open for pleasure craft carrying appurtenances unessential to navigation which extend above the normal superstructure. Upon request, the District Commander will cause an inspection to be made of the superstructures and appurtenances of any craft habitually frequenting the waterway.

(f) Clearance gages as prescribed by the Commandant shall be installed on the upstream and downstream sides of the bridge.

(g) The owner of or agency controlling this bridge shall post notice containing the provisions of these regulations both upstream and downstream of the drawbridge, on the bridge, or elsewhere in such a manner that they can easily be

read at all times from an approaching vessel. The notice shall state how the authorized representative may be reached.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on October 1, 1972.

Dated: August 22, 1972.

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

[FR Doc.72-14560 Filed 8-25-72;8:49 am]

[CGD 72-166R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Root River, Wis.

This amendment revokes the regulations for the Chicago, Milwaukee, St. Paul, and Pacific Railroad Bridge across the Root River at Racine, Wis., because this bridge has been removed.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking paragraph (b) of § 117.660.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on the date of publication in the FEDERAL REGISTER (8-26-72).

Dated: August 22, 1972.

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

[FR Doc.72-14562 Filed 8-25-72;8:49 am]

[CGFR 72-30d]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Richardson Bay Channel, Mills Valley, Calif.

This amendment extends the previously authorized period that the draws of the floating work span adjacent to the U.S. 101 Bridge will be required to open for the passage of vessels. Notice of this action to permit the modification work to the U.S. 101 Bridge was published as CGFR 72-30 in 37 F.R. 3897 of February 24, 1972. This extension is required because of unexpected delays in completing the modification. The Coast Guard has found that good cause exists for granting this extension without notice of proposed rule making on the basis that it would be contrary to the public interest to delay this work. Paragraph (g) of § 117.712 is also amended to correct a clerical error resulting from the previous authorization to change the hours to modify the operation of the draw, appearing at 37 F.R. 3897 of February 24, 1972.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended as follows:

1. By adding a paragraph (f) to § 117.712 to read as follows:

§ 117.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

* * * * *

(f) Work bridge contiguous to U.S. 101 Bridge, Richardson Bay, Mill Valley, Calif. The draw of this span shall open on signal from 8 a.m. to 5 p.m., from February 14, 1972, through October 31, 1972, if at least 2 hours notice has been given. At all other times the draw shall be left in the open position.

2. By retaining paragraph (g) of § 117.712 of Part 117 of Title 33 of the 1972 Code of Federal Regulations and by not retaining paragraph (g) of § 117.712 appearing at 37 F.R. 3897 on February 24, 1972.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision is effective from February 14 through October 16, 1972.

Dated: August 23, 1972.

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

[FR Doc.72-14561 Filed 8-25-72;8:49 am]

[CGD 71-165R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Sacramento River, Calif.

This amendment changes the regulations for the drawbridges across the Sacramento River above Chico Landing to permit them to remain closed to the passage of vessels. This amendment was circulated as a public notice dated January 11, 1972, by the Commander, 12th Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CG 71-165) on December 17, 1971 (36 F.R. 26163). Three comments were received. Two had no objections and the third objected only to the closure of the railroad bridge at Tehama on the grounds that this action would further restrict navigation. However, this bridge has not opened for the passage of vessels since 1934. Further clarification was requested by the Commander, 12th Coast Guard District on March 15, 1972, from the objector, however, no additional information was forthcoming. In view of the fact that these bridges may be required to return to operable condition within 6 months this objection is not considered valid in this case.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising subparagraph (6) of paragraph (a) of § 117.716 to read as follows:

§ 117.716 Sacramento River and its tributaries, California.

* * * * *

(a) * * *

(6) *Drawbridges above Chico Landing.* The draws of these bridges need not open for the passage of vessels. However, the draws of these bridges shall be returned to operable condition within 6 months after notification to take such action from the Commandant, U.S. Coast Guard.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 947; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on October 1, 1972.

Dated: August 22, 1972.

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

[FR Doc.72-14563 Filed 8-25-72;8:50 am]

SUBCHAPTER S—BOATING SAFETY

[CGD 72-61R]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Horsepower Capacity and Method for Determining Quantity of Flotation; Correction

In 37 F.R. 15784 (August 4, 1972), in Table 183.53, the phrase, "NOTE: For flat bottom hard chine boats, with factor or 52 or less * * *" is corrected to read, "NOTE: For flat bottom hard chine boats, with factor of 52 or less * * *."

On the same page, in § 183.67(e), the formula for determining the volume of flotation material needed, which reads:

$$F = \frac{\text{Flotation required } (W) + \text{Chamber volume } (V)}{\text{Buoyancy of flotation material}}$$

Is corrected to read:

$$F = \frac{\text{Flotation required } (W)}{\text{Buoyancy of flotation material}} + \text{Chamber volume } (V)$$

Dated: August 23, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.72-14559 Filed 8-25-72;8:49 am]

[CGD 72-61R]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Method for Determining Quantity of Flotation

Correction

In F.R. Doc. 72-12022 appearing at page 15780 of the issue of Friday, Au-

gust 4, 1972, in Table 183.67(a), the third figure in the fifth column, now reading "5", should read "25".

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Katmai National Monument, Alaska; Fishing, Aircraft, and Motorboats

On page 7329 of the FEDERAL REGISTER of April 13, 1972, there was published a notice of a proposed revision of § 7.46 of Title 36 of the Code of Federal Regulations. The purpose of the revision is to simplify the fishing regulations at Katmai National Monument by deleting certain regulatory material now in § 7.46, thereby resulting in further application of Alaska Department of Fish and Game sport fishing regulations in accordance with 36 CFR 2.13. In addition, the revision establishes special regulations pertaining to aircraft landing sites and use of motorboats.

Interested persons were afforded 30 days within which to submit written comments, suggestions, or objections. Consideration having been given to all relevant matters presented, it has been determined that the amendment should be and is hereby adopted without change and is set forth below. These amendments shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

Paragraph (a) of § 7.46 is revised as follows; (b) and (c) are added:

§ 7.46 Katmai National Monument.

(a) *Fishing.* (1) Fishing is permitted only with artificial lures.

(2) On the Brooks River between Brooks Lake and posted signs near Brooks Camp, fly fishing only is permitted.

(b) *Aircraft—designated landing sites.* (1) Aircraft may be landed and operated on the entire water or ice surface of Naknek Lake and Naknek River. Beaches of the lake may not be used as runways nor may aircraft be taxied on any tributary streams.

(2) Aircraft operation in the vicinity of developments, boat docks, floats, piers, ramps, or bathing beaches must be performed with due caution and regard for persons and property and in accordance with any posted signs or uniform waterway markers.

(3) Areas within the monument not specified in subparagraph (1) of this paragraph are closed to aircraft landings except that landings may be authorized in connection with scientific research projects, Federal, State, or local government business, and concessioner functions, by prior permission of the Superintendent.

(i) The decision to grant or deny permission shall be based on a consideration of the following: The benefit of the project to the Service, the effect of the project on preservation of natural and cultural values, law enforcement and management needs, recreational use, and potential for pollution.

(ii) In granting permission, the Superintendent may impose conditions on the permittee as to selection of landing sites, dates and hours, weather conditions, frequency and number of landings contemplated, type of aircraft, and other related factors.

(c) *Boating.* (1) Motorboats are permitted on Naknek Lake and Naknek River, but prohibited on tributary streams, except that a motorboat may be operated upstream on the Brooks River to posted markers.

(2) Areas within the monument not specified in subparagraph (1) of this paragraph are closed to motorboat operation except that the operation of motorboats may be authorized in connection with scientific research projects, Federal, State, or local government business, and concessioner functions, by prior permission of the Superintendent.

(i) The decision to grant or deny permission shall be based on a consideration of the following: The benefit of the project to the Service, the effect of the project on preservation of natural and cultural values, law enforcement and management needs, recreational use, and potential for pollution.

(ii) In granting permission, the Superintendent may impose conditions on the permittee as to the size and type and number of boats, the water in which operation is to be conducted, dates and hours, frequency and duration of use, weather conditions, and other related factors.

JOHN A. RUTTER,
Director,
Pacific Northwest Region.

[FR Doc.72-14522 Filed 8-25-72;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 15—Environmental Protection Agency

PART 15-3—PROCUREMENT BY NEGOTIATION

Subpart 15-3.6—Small Purchases

Subpart 15-3.6, Small Purchases, is hereby added to Chapter 15, Title 41, of the Code of Federal Regulations.

Effective date. This regulation will become effective on its date of publication in the FEDERAL REGISTER (8-26-72).

Dated: August 22, 1972.

DAVID D. DOMINICK,
Acting Administrator.

Subpart 15-3.6—Small Purchases

Sec.

AUTHORITY: The provisions of this Subpart 15-3.6, issued under 40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.

§ 15-3.600 Scope of subpart.

This subpart prescribes policies and procedures to be followed by purchasing activities in the procurement of supplies and nonpersonal services from commercial sources when the aggregate amount involved in any one transaction does not exceed $2,500 for supplies and services and $2,000 for construction. The small purchase limitations of $2,500 and $2,000 apply to the aggregate total of the order including all estimated handling and freight charges to be paid to the vendor.

§ 15-3.601 Purpose.

The purpose of this subpart is to prescribe the standardized forms and procedures to be used by all Environmental Protection Agency (EPA) purchasing activities in the issuance of small purchase orders.

§ 15-3.602 Policy.

(a) All purchases covered by this subpart shall be accomplished by negotiation and shall cite 41 U.S.C. 252(c)(3) in accordance with FPR Subpart 1-3.203, except under special circumstances where it is clearly in the best interests of the Government to accomplish such purchases by more formal methods.

(b) Purchases shall be made in the open market only when requirements cannot be satisfied by requisition from mandatory sources in accordance with FPR Part 1-5.

(c) Small purchases shall be placed with small business concerns and minority business enterprises to the maximum practicable extent.

§ 15-3.603 Competition.

§ 15-3.603-1 Solicitation.

(a) Small purchases not exceeding $250 shall be accomplished without securing competitive quotations if prices are reasonable, but such purchases shall be distributed equitably among qualified suppliers. Records of purchases of $250 or less need not include a justification for noncompetitive procurement or a price reasonableness determination.

(b) For purchases in excess of $250, solicitation shall be limited to three suppliers unless there are unusual circumstances justifying solicitation of more sources. Additional sources shall not be solicited unless all three sources solicited originally decline to submit a quotation

or fail to respond. In soliciting quotations, suppliers shall be informed of any factors affecting the award, such as compatibility or early delivery requirements.

(c) When written quotations are solicited for small purchases, Standard Form 18, Request for Quotations, shall be used. Standard Form 18 constitutes merely a request for price quotations and is not an offer to purchase. Therefore, issuance by the Government of a purchase order pursuant to price quotations received on Standard Form 18 does not constitute acceptance but, instead, is a new offer to be accepted or rejected by the one quoting: such acceptance will usually be by delivery.

§ 15–3.603–2 Data to support small purchases.

(a) Worksheet for Small Purchases, EPA Form 1900–13, shall be used to record oral quotations, to tabulate written quotations, and to document the purchase order file.

(b) When other than the lowest quotation is used as the basis for the purchase, the reason(s) for rejecting the lower quotation shall be included in the purchase order file by notation on the worksheet or by separate memorandum. Equal low quotations shall be awarded in acordance with FPR Subpart § 1–2.407–6.

(c) For purchases in excess of $250 but not in excess of $2,500 when only one source is solicited, a written justification for noncompetitive procurement is required in accordance with EPA Order 1900.1. The justification shall include specific details to support the conclusion that no other item or source can fulfill the Government's needs.

(d) For purchases between $250 and $2,500, when only one source is solicited or when only one quotation is received, a written determination of price reasonableness is required in accordance with FPR Subpart § 1–3.807–2(b).

(e) Notification to unsuccessful offerors shall be given only if requested.

§ 15–3.604 Imprest funds (petty cash) method.

(a) Imprest funds shall be utilized to the fullest extent for all authorized small purchases when this method results in savings.

(b) Imprest funds shall be established and operated in accordance with procedures issued by the Financial Management Division.

(c) Small purchases from imprest funds may be made in accordance with EPA Order 2545.1.

(d) Small purchases from imprest funds shall be based upon an authorized Procurement Request/Requisition, EPA Form 1900–8, or other suitable document.

§ 15–3.605 Purchase order forms.

§ 15–3.605–1 Standard Form 44, Purchase Order-Invoice-Voucher.

(a) Standard Form 44, Purchase Order-Invoice-Voucher may be authorized for use when all of the following conditions are satisfied:

(1) The transaction is not in excess of $250 except on a case-by-case basis when the Regional Administrator, or the head of the activity delegated authority to use SF–44, approves a higher dollar level. In no event shall such dollar level exceed $2,500.

(2) Supplies or services are immediately available.

(3) One delivery and one payment will be made. Standard Form 44 shall not be used when the use of imprest funds or blanket purchase arrangement are feasible. SF–44 shall not be used to procure nonexpendable property unless the Property Officer authorizes its use.

(b) Since SF–44 is an accountable form, a record shall be maintained of serial numbers of forms, to whom issued and dates issued. SF–44's shall be kept under adequate lock and key to prevent unauthorized use. A reservation of funds shall be established prior to the use of SF–44's.

§ 15–3.605–2 Standard Forms 147 and 148, order for supplies or services.

(a) Except when Standard Form 44 is used, Standard Forms 147 and 148 are mandatory for use in the Environmental Protection Agency as the standard purchase order forms for small purchases not in excess of $2,500, delivery orders against Government prime contracts, blanket purchase agreements, and modifications to these documents.

(b) Additional terms and conditions may be added to the Standard Form 147 provided they are not in conflict with those printed on the form. The following clauses and procedures shall be used as applicable:

(1) "Termination for Convenience of the Government" clause listed in FPR § 1–8.705–1 shall be included in service orders issued on a term basis.

(2) "Service Contract Act of 1965" clause listed in FPR § 1–12.904–2 shall be included in purchase orders for services covered by the Act.

(3) For bulk quantity items, and those subject to shrinkage, evaporation, miscount, weight, or footage variance, the allowable variation in quantity (normally not over 10 percent) shall be specified in the order by use of the following clause:

VARIATION CLAUSE

Variation in the quantity delivered will be accepted in any amount within + ---------- − ---------- percent of the quantity for each item. When the quantity received is within the range of the variation clause such item shall be considered complete, and if additional shipments are made to apply against such item, the Government reserves the right to return such shipment to the contractor, transportation charges collect.

(4) When Government property is exchanged, the written administrative determination required by FPMR 101–46.202(b)(4) shall be included in the file. The purchase order shall specify the acquisition price of the new item less the trade-in price. If the acquisition price of the new equipment exceeds $2,500, a bilateral contract is required even though the net amount is less than $2,500. The following statement shall be included in the purchase order:

STATEMENT REQUIRED FOR TRADE-IN OR EXCHANGE

The ---------- being acquired under this order is/are bona fide replacement(s) and similar to the ---------- ---------- being offered for credit. The application of exchange allowance is in accordance with the Exchange/Sale Provision of Federal Property and Administrative Services Act of 1949, as amended.

(5) When Government property is returned to a contractor for repair, the purchase order shall include a statement that the contractor assumes the responsibility for the loss of or damage to the equipment, except for normal wear and tear.

(6) F.O.B. Destination prices shall be obtained whenever possible. If vendors will not quote F.O.B. Destination, the delivery terms and procedures prescribed in EPPR 19.3 shall be applied.

(7) The order shall specify that the vendor's invoice shall be forwarded directly to the Accounting Operations Office for payment, except when certification of the invoice is required as for certain services. Receiving reports shall be processed in accordance with EPPMR § 115–27.5009. The Accounting Operations Office shall be furnished the receiving report as expeditiously as possible to facilitate payment of invoices.

(c) Following are guidelines for the completion of SF–147.

(1) *Issuing office.* Enter name and address of the purchasing activity.

(2) *Date or order.* Enter date of order. The date of verbal award shall be entered if order is being issued on a confirming basis.

(3) *Contract number.* Enter the number of the GSA or other prime contract when issuing a delivery order. If more than one contract number is applicable, or if the contract is not applicable to all items, insert "see Schedule," and list the information in the schedule.

(4) *Order no.* Enter the order number in accordance with instructions issued for each fiscal year.

(5) *Accounting and appropriation data.* Enter the appropriate accounting codes (appropriation, account number, commitment transaction number, and object class) in accordance with instructions issued by the Financial Management Division.

(6) *Requisitioning office.* Enter appropriate identification.

(7) *Requisition no./purchase authority.* Enter the Procurement Request/Requisition Number.

(8) *Contractor.* Enter the full business name and address of the contractor. If the order is placed through a dealer and the invoice will be submitted by a manufacturer, enter the name of the manufacturer, and insert "care of (c/o)" before the dealer's name and address.

(9) *Ship to.* Enter the exact name and complete address of the receiving activity. Indicate the method of shipment after "Via" if order is F.O.B. Origin.

(10) *Type of order.* Indicate by checking the appropriate box whether order is a purchase or delivery order. If a purchase order, identify the quotation; e.g., written quotation number and date, or telephone quotation with name of quoter and date.

(11) *F.O.B. point.* Enter delivery terms in accordance with FPR Subpart 1-19.3.

(12) *Government B/L No.* Enter the GBL number if the contractor is being furnished a GBL with the order.

(13) *Delivery to F.O.B. point on or before.* If a single date of delivery is applicable to the entire order, it shall be entered in this block. Multiple delivery dates shall be listed in the schedule and this block annotated "See Schedule."

(14) *Discount terms.* Enter the discount for prompt payment in terms of percentages and corresponding days allowed.

(15) *Schedule.* Enter an item number for each item of supply or service; description of each item including the Federal Stock Number (FSN), catalog and part numbers; quantity ordered, unit, unit price and amount for each item, and additional terms and conditions applicable to the order.

(16) *Size classification.* Check Small Business if Vendor is a small business concern as defined in FPR Subpart § 1-1.7.

(17) *Mail invoices to.* Enter the name and address of the activity making payment, or the activity certifying payment as appropriate.

(18) *Contracting/ordering officer.* The contracting/ordering officer's signature and typed name shall be entered.

(d) Distribution of SF-147 and SF-148. The preprinted copies of SF-147 and SF-148 shall normally be distributed to:

Original—Vendor.
First Blue—Commitment Clerk.
Yellow—Purchase/Delivery Order File.
Green—Accounting Operations Office.
Pink—Receiving Activity.
Blue—Property Accountability Officer via the Receiving Activity.

The distribution order may be revised and additional copies may be prepared and distributed as are essential for local administrative purposes.

(e) Modification or cancellation of purchase orders. SF-147 and 148 shall be used for modifying or cancelling purchase orders. Distribution shall be made in accordance with paragraph (d) of this section. The concurrence of the vendor shall be obtained prior to modification or cancellation of a purchase order.

(f) Duplicate purchase orders. If the vendor reports nonreceipt or loss of an original purchase order and requests another copy, a duplicate copy conspicuously marked as such may be furnished. To avoid the possibility of a duplicate shipment, a letter of transmittal or the purchase order should contain the following type of notice:

This is a duplicate copy of lost original purchase order, furnished in accordance with your request of ---------- The Government will not be responsible for duplicate shipment.

§ 15-3.606 Blanket purchase arrangements.

(a) A blanket purchase arrangement or agreement (BPA) is a simplified method of filling anticipated repetitive needs for small quantities of supplies or services from qualified sources of supply. A blanket purchase agreement shall not be used to avoid the legal requirements for formal advertising. Single purchases of like or reasonably related items, or individual calls may not be made if the total value is in excess of $2,500. The total value of all deliveries or services performed under the blanket purchase agreement, or the maximum limitation included in the agreement may exceed the $2,500 limitation for individual open market purchase orders.

(b) Calls against blanket purchase agreements shall be placed only after compliance with § 15-3.603. When concurrent agreements are in effect for similar items, calls not in excess of $250 shall be equitably distributed. Where there is an insufficient number of blanket purchase agreements for any class of supplies or services to assure adequate competition on calls in excess of $250, quotations shall be solicited from other sources.

(c) Blanket purchase agreements shall be prepared and issued on SF-147 and SF-148. Each BPA shall be appropriately numbered and shall contain the following provisions as a minimum:

(1) Authorization to the supplier to furnish the supplies or services described in general terms, when requested by authorized personnel listed therein during a specified period.

(2) A statement that the Government is obligated only to the extent of calls placed against the BPA by authorized personnel.

(3) A statement that individual calls will not exceed $2,500 or a lesser dollar limitation determined to be appropriate for the agreement.

(4) A statement that prices to the Government shall be as low, or lower than those charged the supplier's most favored customer, and that the supplier's established discounts will apply to calls placed against the BPA.

(5) A requirement that all shipments be accompanied by delivery tickets containing the name of the supplier, BPA number, date of call, call number, itemized list of supplies or services furnished including unit price and extension on each item, applicable discount and date of delivery.

(6) A statement covering submission of invoices, e.g., a summary invoice shall be submitted at least monthly or upon expiration of the blanket purchase agreement whichever occurs first, for all deliveries made during a billing period, identifying the delivery tickets covered therein, stating their total dollar value, and supported by delivery tickets bearing the signature of the Government employee receiving the item or services.

(7) A statement that the issuance of individual requests against the blanket purchase agreement will be made under authority of 41 U.S.C. 252(c)(3). (This requirement does not apply to blanket purchase agreements issued under GSA contracts.)

(d) Calls against blanket purchase agreements generally will be made orally, except that informal correspondence may be used when more convenient.

(e) Purchasing activities shall establish procedures to insure availability of funds and control of obligations on blanket purchase agreements. Calls shall be numbered in sequence in a separate series for each blanket purchase agreement.

(f) Since payments are usually made on the basis of vendor's invoices, accompanied by signed delivery tickets, receiving reports ordinarily need not be prepared.

[FR Doc.72-14568 Filed 8-25-72;8:50 am]

Chapter 114—Department of the Interior

PART 114-51—PROVISION AND ASSIGNMENT OF QUARTERS AND FURNISHINGS

AUGUST 21, 1972.

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, a new Part 114-51 is added to Chapter 114, Title 41 of the Code of Federal Regulations as set forth below.

This new Part 114-51 will become effective on the date of publication in the FEDERAL REGISTER (8-26-72).

CHARLES G. EMLEY, Jr.,
Deputy Assistant Secretary of the Interior.

Subpart 114-51.1—Provision of Quarters

Subpart 114-51.2—Furnishings in Personnel Quarters

AUTHORITY: The provisions of this Part 114-51 issued pursuant to 5 U.S.C. 301.

Subpart 114-51.1—Provision of Quarters

§ 114-51.100 Statutory authority.

General statutory authority for the provision of quarters to employees is contained in section 2 of Public Law 88-459 (78 Stat. 557). Whenever it is determined that conditions of employment or availability of quarters warrants such action, Bureaus are authorized to provide employees with Government-owned or leased quarters. The authority to make the determination that quarters must be provided has been delegated to heads of

bureaus in 205 DM 10 and may not be redelegated.

§ 114–51.101 Policy.

The Government-wide policy governing the provision of quarters to employees is set out in Office of Management and Budget Circular No. 18, Revised, and shall be observed by all bureaus of the Department of the Interior. In general, this policy provides that employee housing shall not be provided by the Government, except where it is determined that the employees must live at the station to render necessary service or protection, or that adequate housing is not available in the area.

(a) Construction of Government-owned housing may be undertaken at a given location only when specifically authorized through the usual budgetary processes.

(b) Leased quarters may be provided employees at a given location only when the determinations contemplated by paragraph 2 of Office of Management and Budget Circular No. A–18, Revised, have been made by the head of the bureau and funds are available for this purpose. It must be kept in mind, however, that where housing is available for lease on the private market, it would be virtually impossible to find that the circumstances warranted the provision of housing, except to satisfy a short-term need.

§ 114–51.102 Determination of number, types, and sizes of housing units required.

Bureaus shall be governed by the applicable provisions of Office of Management and Budget Circular No. A–18, Revised, in determining the number, types, sizes, and design standards of housing units to be provided employees at the station.

Subpart 114–51.2—Furnishings in Personnel Quarters

§ 114–51.200 Scope of subpart.

(a) This subpart prescribes policies and criteria governing the provision of furnishings in:

(1) Government-owned or leased personnel quarters under the jurisdiction of the Department of the Interior, wherever located and,

(2) Non-Government (privately leased) personnel quarters located in Alaska, Hawaii, and areas outside the United States.

§ 114–51.201 Definitions.

For purposes of this subpart, terms used herein shall have the following meaning:

(a) *Furnishings.* Furniture, equipment, and miscellaneous items necessary to provide a reasonable degree of livability in personnel quarters, but not including:

(1) Television sets, radios, and other pleasurable but unnecessary items and,

(2) Household goods such as, linen, cutlery, silverware, dishes, and kitchen utensils.

(b) *United States.* The 50 States and the District of Columbia.

(c) *Government quarters.* Housing units owned or leased by the Government for which the Government serves as landlord. These are categorized as follows:

(1) Transient and seasonal quarters—those quarters occupied by the same personnel for a period of 4 months or less.

(2) Nonhousekeeping quarters—those quarters provided to employees who live on a furnished room or dormitory basis, including barracks and bunkhouses.

(3) Housekeeping quarters—those quarters which include a kitchen as an integral part of each unit.

§ 114–51.202 Policy.

It shall be the policy of the Department of the Interior to provide furnishings in Government and non-Government quarters in accordance with the criteria set out in the following subsections.

§ 114–51.202–1 Housekeeping quarters in the United States.

Housekeeping quarters located in the United States generally shall be provided to employees "unfurnished," except that:

(a) Furnishings may be provided in Government quarters and in non-Government quarters located in Alaska and Hawaii, when determined to be advantageous to the Government.

(b) Furnishings may be authorized for Government quarters located in remote and highly inaccessible areas where difficulties in transportation and the length of normal tour of duty are such that it is more economical for the Government to provide furnishings. An example of this type of quarters might be a ranger station which is inaccessible to most motor transportation. Mere remoteness from populous areas is not enough to justify provision of furnishings. The following costs shall be considered in evaluating relative economies and the total thereof compared with the packing, crating, transportation, and other costs of moving personally owned furnishings which would be incurred if Government furnishings were not supplied:

(1) Cost of new furnishings.

(2) Delivery costs of new furnishings.

(3) Storage cost of furnishings not in use.

(4) Cost of moving furnishings in and out of the quarters.

(5) Cost of repairing furnishings.

(6) Cost of storing furnishings owned by occupants of furnished quarters (including related transportation cost) when such storage at Government expense is authorized by law.

(7) Cost of administering a "furnishings" program.

(c) Furnishings may be provided in Government quarters when deemed necessary because the employee occupying the quarters is required to accommodate or entertain visitors frequently as a part of his official duties.

(d) Furnishings may be provided in Government quarters which are normally occupied on a short-term basis (6 months or less) in connection with training, orientation, or other form of special duty assignment.

(e) Some furnishings may be provided in Government quarters when only specially designed or built-in furnishings can be used, such as in mobile homes.

(f) A cooking stove and refrigerator may be provided in all Government quarters.

(g) Deep freezers may be provided in Government quarters in remote and isolated locations where the climate and geographical location necessitate purchasing food in significantly larger than normal quantities. Such provision must be approved in advance by an official not below the chief administrative officer of the bureau.

(h) A washer and dryer may be provided in Government quarters if specifically approved in advance by an official not below the chief administrative officer of the bureau.

§ 114–51.202–2 Government housekeeping quarters outside the United States.

Government housekeeping quarters located outside the United States generally will be provided with furnishings, except that:

(a) Unfurnished quarters, or partly furnished quarters, may be provided at locations where assigned personnel are expected to remain on a long-term basis (4 or more years).

(b) Unfurnished quarters, or partly furnished quarters, may be provided at locations where it is determined, after giving consideration to factors of overall economy, equity, and morale, than an exception to the general rule of providing furnishings is clearly advantageous to the Government.

(c) Furnishings may be supplied in Government quarters occupied by locally hired personnel in the circumstances described in §§ 114–51.202–1(b) and 114–51.202–1(e).

§ 114–51.202–3 Non-Government housekeeping quarters outside the United States.

Furnishings may be provided in non-Government quarters at specific locations where it is determined, after giving consideration to factors of overall economy, equity, and morale, that the provision of furnishings is clearly advantageous to the Government.

§ 114–51.202–4 Transient and seasonal quarters.

Bureaus and offices will provide such furnishings and household goods as are necessary for this type of quarters, regardless of where located.

§ 114–51.202–5 Nonhousekeeping quarters.

Bureaus and offices will provide such furnishings and household goods as are necessary for this type of quarters, regardless of where located.

§ 114–51.202–6 Reduction of shipping weight allowances.

Inasmuch as the reduction of shipping weight allowances for transportation of furnishings, household goods, and personal effects is necessary to effectuate the savings contemplated by the policies set forth herein, bureaus and offices shall specifically provide for such reductions when furnishings are provided by the Government.

§ 114–51.203 Selection of furnishings.

The following criteria should be considered in the procurement of furnishings to be provided by the Government pursuant to this Subpart 114–51.2:

(a) Furnishings should be:

(1) Of good quality and within price ranges suitable to the proposed quarters occupancy,

(2) Of commercial types and grades which are reasonably compatible with personally owned items, and

(3) Appropriate for the climate and to the particular housing units to be equipped, and the general styling and materials should be consistent with those in common use in the locality, insofar as practicable.

(b) Consideration should be given to simplicity, interchangeability, adaptability to different room sizes, durability, ease of warehousing, maintenance, and general acceptability to persons of different tastes.

[FR Doc.72–14530 Filed 8–25–72;8:47 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–26–72).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

The public hunting of rails and gallinules, mourning doves, woodcock and common snipe on Bombay Hook National Wildlife Refuge is permitted within the regularly established 1972–73 seasons of the State of Delaware; but only on the area designated by signs as open to hunting. This open area, comprising 141 acres, is delineated on a map available at the Refuge headquarters, Smyrna, Del. 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of rails and gallinules, mourning doves, woodcock, and common snipe.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 18, 1972.

[FR Doc.72–14526 Filed 8–25–72;8:47 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–26–72).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

The public hunting of waterfowl, rails, coots, gallinules, common snipe, woodcock, and mourning doves on Prime Hook National Wildlife Refuge is permitted within the regularly established 1972–73 Waterfowl Hunting Season of the State of Delaware, but only within the 2,526 acre waterfowl hunting area as delineated on a map available at the refuge headquarters, Rural Delivery No. 1, Box 195, Milton, DE 19968 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory birds subject to the following special conditions:

(1) A Federal permit is required to enter the waterfowl hunting area. Permits may be obtained in person at the designated combined Federal-State checking station from 2 hours before legal shooting time until 3 p.m., e.s.t. throughout the hunting season, and surrendered at the checking station within 1 hour after the close of legal shooting hours.

(2) Hunting shall be only from blinds at locations designated by refuge personnel. The possession of a loaded gun or shooting outside of a blind while hunting migratory game birds is prohibited. Three hunters per blind permitted.

(3) Access to the waterfowl hunting area will be at the refuge headquarters, and other designated access points.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 18, 1972.

[FR Doc.72–14529 Filed 8–25–72;8:47 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–26–72).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Bombay Hook National Wildlife Refuge, Del., is permitted during the regular State seasons on the Upland Game Hunting Area designated by signs as open to hunting. The open Upland Game Hunting Area, comprising 141 acres, is delineated on maps available at refuge headquarters, Smyrna, Del. 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 18, 1972.

[FR Doc.72–14525 Filed 8–25–72;8:47 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–26–72).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Prime Hook National Wildlife Refuge, Del., is permitted on Hunting Areas A and B within the regularly established 1972–73 hunting seasons of the State of Delaware. This open upland game hunt-

ing area, comprising approximately 6,100 acres, is delineated on maps available at refuge headquarters, Rural Delivery No. 1, Box 195, Milton, DE 19968, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1973.

WILLARD M. SPAULDING, Jr.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 18, 1972.

[FR Doc.72-14528 Filed 8-25-72;8:47 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-26-72).

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

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer with shotguns and primitive weapons on the Bombay Hook National Wildlife Refuge, Del., is permitted only on the Deer Hunting Area and Upland Hunting Area designated by signs as open to hunting. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Del. 19977 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer with firearms subject to the following special conditions:

(1) Hunting with shotguns on the Deer Hunting Area is permitted only on November 10 through November 13.

(2) A Federal permit is required to hunt on the deer hunting area and may be obtained by applying to the Refuge Manager in writing for an advance reservation. An individual with an advance reservation will forfeit his permit if he is not present 1 hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservations will be awarded to other hunters by lot one-half hour before the start of legal shooting time. The number of hunters admitted to the open area at one time will be restricted to 50 and a User Fee of $1 per hunter will be charged. Permits must be surrendered prior to departure from the refuge and deer taken must be checked out at refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1972.

WILLARD M. SPAULDING, Jr.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 18, 1972.

[FR Doc.72-14524 Filed 8-25-72;8:46 am]

PART 32—HUNTING

De Soto National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER (8-26-72).

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

NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the De Soto National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This area, comprising 1,200 acres, that lies west of the present Missouri River channel, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all State regulations governing the hunting of deer with bow and arrow and shall be permitted only during the regular Nebraska archery deer season, September 16, 1972, to December 31, 1972, both dates inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1972.

JAMES W. SALYER,
Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

AUGUST 18, 1972.

[FR Doc.72-14567 Filed 8-25-72;8:50 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-26-72).

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

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer on Prime Hook National Wildlife Refuge, Del., is permitted within the regularly established 1972-73 hunting season of the State of Delaware. This open deer hunting area, comprising approximately 6,100 acres, is delineated on a map available at the refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Del. 19968, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1973.

WILLARD M. SPAULDING, Jr.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 18, 1972.

[FR Doc.72-14527 Filed 8-25-72;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 100]

COAL MINE HEALTH AND SAFETY

Civil Penalties for Violations; Assessments and Procedures

For some time this Department has been considering: (1) How to reduce the vast number of petitions for public hearing in connection with the assessment of civil penalties under section 109(a) of the Federal Coal Mine Health and Safety Act of 1969; and (2) how to insure that the Bureau of Mines' Office of Assessment and Compliance Assistance has adequate information and data to fully and properly consider the six statutory criteria of section 109(a)(1) of the Act in determining the proposed amount of civil penalty.

In the FEDERAL REGISTER for June 15, 1972 (37 F.R. 11861), Part 100, Title 30, Code of Federal Regulations, was republished in its entirety to conform with the departmental hearings and appeals procedures contained in Part 4, Title 43, Code of Federal Regulations. It has become apparent, however, that the recent amendments to 43 CFR Part 4, and 30 CFR Part 100 are causing more mine operators to bypass the Assessment Office even more quickly than previously in favor of a petition for public hearing before the departmental Office of Hearings and Appeals.

Departmental review of the issue of assessing civil penalties, which has included careful consideration of numerous oral and written comments from interested persons, has led to the conclusion that additional documentation would enable the Bureau's Office of Assessment and Compliance Assistance to perform more effectively. Such additional documentation would also serve as the basis for an evidentiary record for the use of subsequent administrative and judicial reviewers. Since personal contact is one of the best ways to gather information, the Department intends to station its Assessment Officers at locations in the field which are more accessible to coal mine operators. Such Assessment Officers will, in all instances, issue the initial Proposed Order of Assessment. This would permit industry, labor, and departmental personnel to conveniently and inexpensively contact one another.

Assessment Officers would be authorized to issue Proposed Orders of Assessment. Upon receipt of a Proposed Order of Assessment, the operator or miner charged could protest such Proposed Order to the Assessment Officer. Upon receipt of a protest the Assessment Officer would reconsider the Proposed Order and could redetermine the amount of the proposed penalty. In order to insure effective use of the informal protest procedure, the operator or miner charged would only have an opportunity to appeal for public hearing and formal adjudication of the Proposed Order to the departmental Office of Hearings and Appeals in Arlington, Va., upon completion of the reconsideration of the Proposed Order by the Assessment Officer. By failing to protest a Proposed Order of Assessment issued by an Assessment Officer, the operator or miner charged would be deemed to have waived his right of protest and his right of appeal for public hearing and formal adjudication, and the Proposed Order of Assessment would become the final assessment order of the Secretary of the Interior.

Although 30 CFR 100.2(b) clearly states that the "Guidelines for Assessment of Penalties" contained in Appendix A to Part 100 are not to be rigidly followed, the Department has determined that coal mine operators believe that these guidelines are not flexibly applied by the Assessment Office. Accordingly, the "Guidelines for Assessment of Penalties" contained in Appendix A would be deleted.

The Department has always intended that an Assessment Officer consider the same factors as would a hearing examiner at a public hearing; that is, the six statutory criteria set forth in section 109(a) of the Act. In order to insure the full and proper consideration and application of these six statutory criteria, § 100.2(b) of Part 100 would be revised to include general policy guidelines for the information of interested persons, and for utilization by Assessment Officers in their consideration of the statutory criteria in proposing orders of

Notice is hereby given that in accordance with the provisions of section 109(a) of the Federal Coal Mine Health and Safety Act of 1969, and pursuant to the authority vested in the Secretary of the Interior under section 508 of the Act, it is proposed, for the reasons set forth above, to amend Part 100, Subchapter O of Chapter I, Title 30, Code of Federal Regulations as set forth below.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons are invited to submit written comments, suggestions, or objections regarding these proposed amendments to the Director, Bureau of Mines, Washington, D.C. 20240, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

Part 100 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations, would be amended as follows:

1. Section 100.2 is amended by revising paragraph (b). As revised, paragraph (b) would read:

§ 100.2 Assessment of civil penalties; general.

* * * * *

(b) In considering the six criteria set forth in paragraph (a) of this section, the Assessment Officer appointed in accordance with § 100.3 shall utilize, but not be limited to, the guidelines specified in subparagraphs (1) through (6) of this paragraph as set forth below:

(1) *History of previous violations.* (i) The Assessment Officer should fully take into account and utilize an operator's previous history of violations concerning the mine in question. In addition, the operator's overall history for all mines operated by him should receive subsidiary consideration. History of the same or similar violations in the mine in question, or other mines, if any, of the particular operator should also be weighed. In this connection, consideration should be given to whether the incidence of all categories of violations increases, a repeated history of the same or similar violations occurs or whether the same or similar violations decrease.

(ii) The period of time which elapses between violations in general, or the same or similar violations should be considered. In this connection, consideration should be given to whether repeated violations of the same or similar nature, or violations in general, show a high incidence over a short period of time.

(iii) In examining an operator's history of previous violations, consideration should be given when practical, to the different sections of the mine.

(2) *The appropriateness of the penalty to the size of the operator's business.* The number of mines operated, and/or tons of coal produced, and/or number of miners employed is generally the only financial information available to the Bureau. As in the case of the effect of a penalty on the operator's ability to continue in business (to which this criterion is related) the burden is on the operator to come forward with competent documentary evidence to show which of the following categories is applicable to his operation:

(i) Major operators. Operates 10 or more mines, and/or produces in excess of 10 million tons of coal per year, and/or employs in excess of 100 miners in any one mine;

(ii) Large operators. Operates five or more mines, and/or produces between 2 million and 10 million tons of coal per year and/or has been between 70 and 100 miners employed in any one mine;

(iii) *Medium operators.* Operate one or more mines, and/or produces between 200,000 and 2 million tons of coal per year, and/or employs between 11 and 69 miners in any one mine; and

(iv) *Small operators.* Operate no more than five mines, each of which produces not more than 50,000 tons of coal

per year, and/or employs 10 or fewer miners in any one mine.

(3) *Whether the operator was negligent.* As to negligence generally, the operator owes a high degree of care to the miners (91st Cong., first session, H.R. Conf. Rep. No. 91–761, p. 71). The standard should not merely be ordinary care. Other tests which may be applied in considering negligence are whether the condition or practice cited was known, or reasonably could have been known to the operator; the length of time during which the condition or practice existed; and whether there were impediments to the operator obtaining the necessary equipment and/or personnel. In the absence of specific information it should be assumed that equipment and/or personnel were readily available to the operator. The burden will be on the operator to come forward with full documentation where he asserts unavailability of equipment or personnel. In the case of orders issued in accordance with sections 104 (b) and (i) of the Act, the operator should be considered to have filed to exercise an ordinary degree of care. In the case of notices or orders issued in accordance with section 104(c) of the Act, it should be further considered that the operator has failed to exercise a high degree of care. The burden will be on the operator to come forward with contrary facts and evidence. Other factors relating to negligence are the overall safety record of the mine and/or other mines operated by the same operator, and the operator's past and present overall attitude toward the health and safety of the miners.

(4) *Effect on the operator's ability to continue in business.* Since the Bureau does not ordinarily have available an operator's detailed financial records, it should be assumed, in the absence of documentation to the contrary, that a given penalty will not adversely affect an operator's ability to continue in business. In this regard, the burden of showing an adverse effect of a penalty is on the operator. Only verified financial statements should be considered. Additionally, where an operator operates more than one mine, the operator's total ability to pay a penalty should be considered rather than the effect of a penalty on a given mine.

(5) *Gravity of the violation.* Gravity is the paramount criterion in view of the overall intent to the Act to protect the health and safety of miners. Gravity may be determined by ascertaining the probable consequences which could be expected to flow from a given violation; the probability that such consequences will come to fruition; and the length of time the miners were exposed to the hazard in question. Orders of Withdrawal issued pursuant to sections 104(a), 104(c)(1), or 104(c)(2) of the Act should be considered grave, in the absence of extenuating or mitigating circumstances fully shown by an operator. While one violation standing alone may not be viewed as grave, a group of such violations, when considered together, may all be grave in the context of a given factual situation. There are various degrees of gravity. A violation grave under certain circumstances, may be considered as grave in the extreme (even in the absence of imminent danger) under other appropriate circumstances.

(6) *Good faith of the operator in attempting to achieve rapid compliance.* Abatement within the time specified by the notice of violation should not necessarily be equated with a good faith effort to achieve rapid compliance. However, compliance prior to the time specified by such notice should generally be viewed as a good faith effort to achieve compliance. Failure to abate a violation within the time specified, without a period for extension, should generally be considered as indicating lack of a good faith effort to achieve rapid compliance. Even when the time specified for abatement is extended, however, the Assessment Officer should examine the reasons for the extension in his consideration of this criterion.

2. Section 100.3 would be revised as follows:

§ 100.3 Procedures for assessment of civil penalties; protest procedures; appeal procedures.

(a) Each Notice of Violation and Order of Withdrawal issued will be reviewed by an Assessment Officer, appointed by and responsible to the Director, Bureau of Mines, who is assigned to an appropriate field office having jurisdiction over the Coal Mine Health and Safety District from which the notice or order issued. The purpose of this review will be to determine the liability of the operator or miner for a civil penalty and the amount of penalty to be proposed.

(b) (1) Before any administrative proceeding to impose a civil penalty under section 109(a) of the Act is instituted, the Assessment Officer shall serve, by certified mail, a Proposed Order of Assessment upon the operator or miner charged.

(2) The Proposed Order of Assessment shall specify the Notice of Violation or Order of Withdrawal (including the underlying violation involved therein) for which the liability of the operator or miner for a penalty has been initially determined, and shall state the amount of the proposed civil penalty.

(3) The Proposed Order of Assessment shall also advise the operator or miner charged that he has 20 days from the date of receipt of the Proposed Order of Assessment to protest the Proposed Order, partly or in its entirety, to the Assessment Officer who issued the order.

(4) Where an operator or miner fails to timely protest a Proposed Order of Assessment, he shall be deemed to have waived his right of protest and his right of public hearing and formal adjudication, and the Proposed Order of Assessment shall become the final assessment order of the Secretary of the Interior.

(c) In determining the amount of penalty to be proposed, the Assessment Officer will thoroughly consider all relevant circumstances, including the six criteria specified in paragraph (a) of § 100.2, and he will fully utilize the guidelines set forth in paragraph (b) of § 100.2.

(d) The protest to the Proposed Order of Assessment shall be in writing and shall state any facts, explanations, and arguments denying the charges of violation, or demonstrating any extenuating or mitigating circumstances, error in the Proposed Order of Assessment, or other reason why the penalty should not be imposed, and may request the revision or modification of the proposed penalty.

(e) Where an operator or miner timely protests the Proposed Order of Assessment, the Assessment Officer will provide opportunity for informal consultation and discussion with all interested parties, including, but not limited to, the operator and his agents, miners and representatives of miners, and authorized representatives of the Secretary of the Interior.

(f) (1) The Assessment Officer may extend, in writing, the time within which the operator or miner has to protest the Proposed Order of Assessment.

(2) Upon receipt of a protest, the Assessment Officer shall reconsider the Proposed Order of Assessment and may redetermine the amount of the proposed civil penalty.

(3) The Assessment Officer, upon reconsideration, may amend or reissue the Proposed Order of Assessment. When reconsideration is completed, the Assessment Officer shall notify the operator or miner, by certified mail, of the results thereof. Such Notice of Reconsideration shall incorporate the Proposed Order of Assessment and shall advise the operator or miner that he has 20 days from the date of receipt of such notice to petition for public hearing and formal adjudication of the Proposed Order of Assessment, either partly or in its entirety, to the Office of Hearings and Appeals in Arlington, Va.

(4) Where an operator or miner fails to timely file a petition for public hearing and formal adjudication with the Office of Hearings and Appeals, he shall be deemed to have waived his right of public hearing and formal adjudication, and the Proposed Order of Assessment shall become the final assessment order of the Secretary.

3. Appendix A, "Guidelines for Assessment of Penalties," is deleted in its entirety.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

AUGUST 22, 1972.

[FR Doc.72-14517 Filed 8-25-72;8:46 am]

Office of the Secretary

[41 CFR Part 114–50]

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Notice of Proposed Rule Making

Pursuant to the authority contained in 5 U.S.C. 301, and section 213 of the

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894, 1900, 42 U.S.C. 4601, 4633, it is proposed to issue final regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, in a new Part 114–50 of Title 41 of the Code of Federal Regulations.

The Department of the Interior published interim regulations implementing Public Law 91–646 by notice in the FEDERAL REGISTER on April 16, 1971 (36 F.R. 7265). Although comments and suggestions for refinement of the interim regulations were invited at that time, none were received.

These proposed final regulations have been completely reorganized and codified for inclusion in the Interior Property Management Regulation system described in Part 114–1 of Title 41 of the Code of Federal Regulations. They incorporate the significant changes promulgated in Office of Management and Budget Circular No. A–103, dated May 1, 1972.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Office of Management Operations, Office of the Secretary, 18th and C Streets NW., Washington, D.C. 20240 within 45 days after date of publication of this notice in the FEDERAL REGISTER.

CHARLES G. EMLEY,
Deputy Assistant Secretary of the Interior.

AUGUST 18, 1972.

PART 114–50—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Subpart 114–50.1—General

Subpart 114–50.2—Definitions

Subpart 114–50.3—Uniform Real Property Acquisition Policy

Subpart 114–50.4—Relocation Assistance Advisory Services

Subpart 114–50.5—Assurance of Adequate Replacement Housing Prior to Displacement

Subpart 114–50.6—Moving and Related Expenses

Subpart 114–50.7—Payments in Lieu of Moving and Related Expenses

Subpart 114–50.8—Replacement Housing Payment for Homeowners

Subpart 114–50.9—Replacement Housing Payment for Tenants and Certain Others

Subpart 114–50.10—Federally assisted Programs

Subpart 114–50.11—Administrative Review and Appeals

Subpart 114–50.12—Annual Report

AUTHORITY: The provisions of this Part 114–50 issued under 5 U.S.C. 301, and section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894, 1900, 42 U.S.C. 4601, 4633.

Subpart 114–50.1—General

§ 114–50.100 Purpose.

These regulations prescribe policies and procedures to insure that fair, equitable, and uniform treatment of persons displaced by Federal and federally assisted programs. They implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, hereinafter referred to as the Act, and Office of Management and Budget Circular No. A–103. All references in these regulations to sections or subsections are references to sections or subsections of the Act.

§ 114–50.101 Effective date.

(a) Except as provided in Subpart 114–50.10 of this part, the Act and the amendments made by the Act are effective January 2, 1971, the date of enactment.

(b) Any claims made under these regulations and the Act shall be adjudicated on the basis of the regulations in effect when the claim was filed.

§ 114–50.102 Scope.

The regulations in this Part 114–50 apply to the programs of all Bureaus and Offices of the Department of the Interior. The geographical coverage includes the fifty (50) States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

§ 114–50.103 Applicability.

The provisions of the Act and the regulations in this Part 114–50 apply to the acquisition of all real property for, and the relocation of all persons displaced by, Federal programs and projects undertaken by State agencies which receive Federal financial assistance. The Act and these regulations apply regardless of whether the real property is acquired by a Federal or State agency or whether Federal funds actually contributed to the cost of the real property acquired for a federally assisted project.

§ 114–50.104 Notice of displacement.

Department of the Interior officials responsible for the administration of programs affected by the Act must ensure that a written notice of displacement is given to each individual, family, business, or farm operation to be displaced at least 90 days in advance of the date by which a move is required. Such notice shall be served personally or by certified (or registered) first-class mail. In the case of a federally assisted program, the State agency is responsible for ensuring that such notice is given.

§ 114–50.105 Eligibility requirements.

To be eligible for benefits under title II of the Act as a displaced person, either of the following conditions must be fulfilled:

(a) The person must have moved (or moved his personal property) as a result of the receipt of a written notice to vacate which notice may have been given before or after initiation of negotiations for acquisition of the property. When negotiations are initiated prior to issuance of a written notice, all persons contacted by the negotiating Bureau or Office should be advised that the benefits of the Act are available only when the person moves subsequent to receipt of a written notice; or

(b) The subject real property must, in fact, have been acquired, and the person must have moved as a result of its acquisition (except in those instances covered by sections 217 and 219).

§ 114–50.105–1 Extension of eligibility.

In addition to the basic eligibility requirements specified in IPMR § 114–50.105, certain of the benefits provided by Title II of the Act are available as follows:

(a) Whenever the acquisition of, or notice to move from, real property used for a business or farm operation causes any person to move from other real property used for his dwelling, or to move his personal property from such other real property, such person is entitled to the benefits provided by sections 202(a), 202(b), and 205.

(b) When the head of the displacing agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services pursuant to section 205(c).

§ 114–50.106 Relocation costs treated separately from purchase price of real property acquired under Federal law.

Contracts or options to purchase real property under Federal law shall not incorporate provisions for making payments for relocation costs and related items in title II of the Act.

(a) Appraisers shall not give consideration to or include in their real property appraisals any allowances for the benefits provided by title II of the Act.

(b) In the event of condemnation with a declaration of taking, the estimated compensation shall be determined solely on the basis of the appraised value of the real property with no consideration being given to or reference contained therein to the payments to be made under title II of the Act.

§ 114–50.107 Filing applications for benefits.

All applications for benefits under the Act by a displaced person shall be submitted to the acquiring agency and be supported by such documentation as is required by the regulations in this Part 114–50. Bureaus and Offices shall make every effort to pay promptly any displaced person who makes application for authorized payments and may authorize advance payments in hardship cases. In the case of a project or program undertaken with Federal financial assistance, all applications shall be submitted to the State agency and be supported by such documentation as may be required by the State.

§ 114–50.107–1 Time limitation for filing applications for benefits.

Applications for benefits shall be made within eighteen (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 the displacing agency makes final payment of all costs of that real property, whichever is the later date. The head of the Bureau or Office may extend this period upon a proper showing of good cause.

§ 114–50.107–2 Forms used for filing applications for benefits.

Uniform "Application for Relocation Assistance" Forms DI–380, and DI–381, and instructions for their preparation, Forms DI–380a, and DI–381a, are prescribed for use by all Bureaus and Offices.

§ 114–50.108 Payments not to be considered as income.

Bureaus and Offices shall advise all displaced persons that no payment received under title II of the Act shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

§ 114–50.109 Effects upon property acquisition.

(a) Nothing in the regulations in this Part 114–50 shall be construed as creating in any condemnation proceeding brought under the power of eminent domain, any element of value or of damage not in existence immediately prior to January 2, 1971.

(b) The provisions of section 301 of the Act create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

Subpart 114–50.2—Definitions

§ 114–50.200 Applicability.

The terms used in this Part 114–50 shall have the meanings set forth in this Subpart 114–50.2. Heads of Bureaus and Offices may expand these definitions to provide greater clarity and successful implementation of assigned programs. Any such expansion, however, shall not result in a deviation in concept from the definitions set forth herein.

§ 114–50.201 Definition of terms.

(a) *The Act.* "The Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), approved January 2, 1971.

(b) *Bureaus and Offices.* Means the following agencies of the Department of the Interior:

(1) Bureau of Sport Fisheries and Wildlife.
(2) Bureau of Mines.
(3) Bureau of Indian Affairs.
(4) Bureau of Land Management.
(5) Bureau of Outdoor Recreation.
(6) Bureau of Reclamation.
(7) National Park Service.
(8) Geological Survey.

(9) Bonneville Power Administration.
(10) Southeastern Power Administration.
(11) Southwestern Power Administration.
(12) Alaska Power Administration.
(13) Office of Saline Water.
(14) Office of Coal Research.
(15) Office of Water Resources Research.

(c) *Business.* Any lawful activity, excepting a farm operation, conducted primarily:

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

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

(3) By a nonprofit organization; or

(4) Solely for the purposes of section 202(a) of the Act (see Subpart 114–50.6 of this part) for 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.

(d) *Comparable replacement dwelling.* For the purposes of rendering relocation assistance by making referrals for replacement housing and for computation of the replacement housing payment, a comparable replacement dwelling is one which is decent, safe, and sanitary and:

(1) Functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.

(2) Adequate in size to meet the needs of the displaced family or individual. However, at the option of the displaced person, a replacement dwelling may exceed his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the dwelling from which he was displaced.

(3) Open to all persons regardless of race, color, religion, or national origin, consistent with the requirement of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968.

(4) Located within a 50-mile radius of the acquired dwelling and in an area not generally less desirable than the one in which the acquired dwelling is located, with respect to:

(i) Neighborhood conditions, including but not limited to municipal services and other environmental factors.

(ii) Public utilities, and

(iii) Public and commercial facilities.

(5) Reasonably accessible to the displaced person's place of employment or potential place of employment.

(6) Within the financial means of the displaced family or individual, and

(7) Available on the market to the displaced person.

NOTE: If housing meeting the requirements of the above definition is not available on the market, the head of a displacing agency may, upon a proper finding of the need therefor, consider available housing exceeding that basic criteria.

(e) *Decent, safe, and sanitary housing.* A decent, safe, and sanitary dwelling is one which is found to be in sound, clean, and weathertight condition, and which meets local housing codes. Bureaus or Offices shall be governed by the following criteria in determining if a dwelling unit is decent, safe, and sanitary. Adjustments may only be made in the case of unusual circumstances, or in unique geographical areas.

(1) *Housekeeping unit.* A housekeeping unit must include a kitchen with fully usable sink; a cooking stove, or connections for same; a separate complete bathroom; hot and cold running water in both the bath and the kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(2) *Nonhousekeeping unit.* A nonhousekeeping unit is one which meets local code standards for boarding houses, hotels, or other congregate living. If local codes do not include requirements relating to space and sanitary facilities, standards will be subject to the approval of the head of the Bureau or Office.

(3) *Water.* Has a continuing and adequate supply of potable safe water.

(4) *Egress.* Each building used for dwelling purposes shall have a safe 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 multidwelling buildings of three stories or more, the common corridor on each story must have at least two means of egress.

(5) *Occupancy standards.* Occupancy standards for replacement housing shall comply with Bureau or Office approval occupancy requirements or comply with local codes.

(6) *Absence or inadequacy of local standards.* In those instances where there is no local housing code or a local housing code does not contain minimum standards or the standards are inadequate, the head of the Bureau or Office may establish the standards.

(f) *Displaced person.* Any person who, on or after the effective date of the Act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by any Bureau or Office of the Department of the Interior or with Federal financial assistance; and solely for the purposes of sections 202 (a) and (b) and 205 of the Act, as a result of the acquisition of or as the result of the written order of the acquiring Bureau or Office to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(g) *Displacing agency.* A Bureau or Office in the case of a direct Federal project or a State agency in the case of a project receiving Federal financial assistance.

(h) *Dwelling.* The place of permanent 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; any other residential unit, including a mobile home which is either considered to be real property under State law, or cannot be moved without substantial damage or unreasonable cost.

(1) For the purpose of section 203 and 204 of the Act the term "dwelling" shall mean the place of permanent abode of a person and does not include seasonal or part-time dwelling units, such as beach houses, mountain, or other vacation cabins.

(i) *Economic rent.* The amount of rent a displaced tenant would have had to pay for a comparable dwelling unit in the area similar to the neighborhood in which the dwelling unit being acquired is located.

(j) *Family.* Two or more individuals who are related by blood, adoption, marriage, or legal guardianship who live together as a family unit. However, upon appropriate determination by the head of the Bureau or Office, others who live together as a family unit may be treated as if they were a family for the purpose of determining benefits under title II of the Act.

(k) *Farm operation.* 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.

(l) *Federal agency.* 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) and the Architect of the Capitol, the Federal Reserve banks and branches thereof.

(m) *Federal financial assistance.* A grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

(n) *Financial means.* For the purpose of determining "financial means" of families and individuals in accordance with section 205(c)(3), a determination should be made as to the displaced person's ability to afford the replacement dwelling. (See also paragraph (d)(6) of this section.) In making this determination, the average monthly rental or housing cost (e.g., monthly mortgage payments, insurance for the dwelling unit, property taxes and other reasonable recurring related expenses) which the

displaced person will be required to pay, in general, should not exceed 25 percent of the monthly gross income or the present ratio of housing payment to the income of the displaced family or individual, including supplemental payments made by public agencies. Bureaus or Offices may issue regulations providing for determinations that 25 percent of monthly gross income for housing costs or the present ratio of housing payment to the individual income is or is not excessive to the other needs of the displaced family or individual, such as food, clothing, child care, medical expenses, etc. In these cases, the head of the Bureau or Office shall establish criteria for determining the financial means of the displaced family or individual.

(o) *Heads of Bureaus and Offices.* The head of each Bureau or Office listed in paragraph (b) of this section, or his designee.

(p) *Initiation of negotiations.* The date the Bureau or Office makes the first personal contact with the owner or his representative and furnishes him with a written offer to purchase real property. Registered mail may be used in lieu of personal contact only where justified by geographic location and/or scale of negotiations.

(q) *Mortgage.* 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, together with the credit instruments, if any, secured thereby.

(r) *Owner.* A person who holds fee title, a life estate, a 99-year lease; or an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit, or is the contract purchaser of any such estates or interest, or who is possessed of such other proprietory interest in the property acquired as, in the judgment of the head of the Bureau or Office, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

(s) *Person.* Any individual, partnership, corporation, or association.

(t) *State.* Any of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Island, and any political subdivision thereof.

(u) *State agency.* The National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(v) *Available replacement housing.* The terms "available replacement housing" or "made available," shall mean that the displaced person has either, by himself obtained and has the right of possession of comparable replacement housing, or the Bureau or Office has offered him comparable replacement housing as defined in paragraph (d) of this section, which is available for immediate occupancy.

(w) *Nonprofit organization.* 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, profession, or institutional activity on the premises.

Subpart 114–50.3—Uniform Real Property Acquisition Policy

§ 114–50.300 Applicability.

This subpart prescribes policies and procedures governing the acquisition of real property for Federal and federally assisted programs administered by the Department of the Interior.

§ 114–50.301 Objectives.

The objectives of the policies and procedures set forth in this subpart are to:

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

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

(c) Assure consistent treatment for owners in the many Federal and federally assisted programs; and

(d) Promote public confidence in land acquisition practices.

§ 114–50.302 Acquisition policy.

To achieve the objectives set out in § 114–50.301, Bureaus and Offices shall, to the greatest extent practicable:

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

(b) Appraise real property prior to the initiation of negotiations;

(c) Give the owner or his designated representative an opportunity to accompany the appraiser during his inspection of the property; and

(d) Establish, prior to initiation of negotiations, an amount which is believed to be just compensation for the real property and make a prompt offer to acquire the property for the full amount so established.

(1) In no case will the amount established as just compensation be less than the approved appraisal of the estimated fair market value of the property.

(2) Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which the property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property.

§ 114–50.303 Statement of just compensation to owner.

Bureaus and Offices shall provide the owner of real property to be acquired with a written statement of, and a summary of the basis for, the amount established as just compensation. In the case of a partial taking, damages to the remaining real property, if any, shall be separately stated. The summary statement shall include the following:

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

(b) 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;

(c) A statement explaining the basis for the determination of just compensation and that such determination:

(1) Is based on the estimated fair market value of the property;

(2) Is not less than the approved appraisal of the property.

(d) A statement that any decrease or increase 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 property is to be acquired, or by the likelihood that the 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 by the Bureau or Office in making its determination of just compensation for the property.

§ 114–50.304 Acquisition of improvements required to be removed from land acquired.

Whenever a Bureau of Office acquires any interest in real property it shall acquire at least an equal interest in all buildings, structures, or other improvements located thereon and which it requires to be removed from the real property or which it determines will be adversely affected by the use to which the real property will be put.

(a) If any buildings, structures, or other improvements, required to be acquired in accordance with this § 114–50.304, 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, shall be apportioned to the landowner and the tenant. The amount payable to the tenant for such improvements will be the greater of:

(1) The estimated fair market value of the property for offsite removal (salvage value), or

(2) The contributive value of the tenant's improvements to the value of the entirety.

(b) A payment may be made under paragraph (a) of this section, only in those cases where:

(1) The landowner disclaims all interests in the tenant's improvements, and

(2) The tenant, in consideration for such payment, assigns, transfers, and releases to the acquiring agency all his right, title, and interest in and to the improvements.

(c) A tenant may reject payment under paragraph (a) of this section and elect to obtain payment in accordance with other applicable laws.

(d) Payment under paragraph (a) of this section shall not duplicate any payment otherwise authorized by law.

§ 114–50.305 Appraisal.

As a general rule, only one appraisal will be obtained on each tract, unless the Bureau or Office determines that circumstances require an additional appraisal or appraisals.

(a) Real property acquisition records shall show that the owner or his designated representative has been given an opportunity to accompany the appraiser during his inspection of the property.

(b) The head of each Bureau or Office shall establish, for all Federal and federally assisted programs under his jurisdiction, criteria for determining the qualifications of appraisers, and a system of review by qualified appraisers.

(c) Standards for appraisals used in Federal and federally assisted programs shall be consistent with the current uniform appraisal standards for Federal land acquisition published by the Interagency Land Acquisition Conference.

§ 114–50.306 Condemnation.

Condemnation proceedings, where required, will be instituted by the Bureau or Office. Bureaus and Offices shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property.

(a) Bureaus and Offices in project planning shall take into consideration the possible liability for the payment of litigation expenses of a condemnee provided in section 304 of the Act.

(b) In no case will a Bureau or Office, in order to compel an owner to agree to a price to be paid for his property:

(1) Advance the time of condmenation;

(2) Defer negotiations or condemnation or the deposit of funds in court for the use of the owner; or

(3) Take any other coercive actions to force a price agreement.

§ 114–50.307 Uneconomical remnant.

In any case where acquisition of only part of a property will leave the owner with an uneconomical remnant, the acquiring Bureau or Office shall offer to acquire the entire property.

§ 114–50.308 Notice to move.

No owner or tenant who will become a displaced person will be required to surrender possession of his property before payment is made to him or deposited in the registry of the court. In all cases the owner or tenant shall be given at least 90 days' written notice of the date by which he is required to move from the acquired property.

§ 114–50.309 Temporary occupancy of property after acquisition.

If an owner or tenant is permitted to remain in possession of property for a short period after acquisition, the rental charged for such occupancy shall not be more than the fair rental value of the property to a short-term occupier.

§ 114–50.310 Expenses incidental to transfer of title.

Bureaus and Offices shall take actions necessary to insure that owners are reimbursed for expenses incurred incidental to conveyance of real property by the earliest date practicable. All Bureau or Office land purchase contract forms shall be amended to provide reimbursement to the vendor in an amount deemed by the Bureau or Office to be fair and reasonable for the following:

(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 which are allocable to a period subsequent to the date of vesting title in the acquiring agency, or the effective date of possession of such real property by the acquiring agency, whichever is the earlier.

§ 114–50.311 Notice to occupants upon initiation of negotiations.

The following information shall be furnished occupants of real property to be acquired at the time of initiation of negotiations, either in a brochure or such other medium as may be directed by the head of the Bureau or Office:

(a) *Owner-occupants of more than 180 days.* Simultaneous with the fair market value offer, an owner-occupant of more than 180 days shall be furnished:

(1) An explanation of his eligibility to receive a replacement housing payment not to exceed $15,000 and the manner in which the exact amount to which he will be entitled will be computed, and

(2) An explanation of the eligibility requirements to receive payments for replacement housing, increased interest costs, and incidental expenses, and of his option to rent replacement housing.

(b) *Owner-occupants of 90 days or more, but less than 180 days.* Simultaneous with the fair market value offer, an owner-occupant of 90 days or more, but less than 180 days shall be furnished:

(1) An explanation of his eligibility to receive a rental differential payment not to exceed $4,000 and the manner in which the exact amount to which he will be entitled will be computed, and

(2) An explanation of his option to receive a downpayment towards the purchase of replacement housing not to exceed $4,000, and incidental expenses to purchase replacement housing and the requirement therefor.

(c) *Tenants.* Within 15 days after the initiation of negotiations for the purchase of the real property, each tenant shall be personally contacted and furnished in writing:

(1) The date of initiation of negotiations for purchase of the real property;

(2) An explanation of his eligibility to receive a rental differential payment not to exceed $4,000 and the manner in which the exact amount to which he will be entitled will be computed, and

(3) An explanation of his option to receive a down payment towards the purchase of replacement housing and incidental expenses, including the matching requirements therefor.

§ 114–50.312 State acting as agent for Federal program.

In the event that real property is acquired by a State agency at the request of a Bureau or Office for a Federal program or project, such acquisition shall, for purposes of the Act, be deemed an acquisition by the Bureau or Office administering such program or project.

§ 114–50.313 Federally assisted programs.

The head of each Bureau or Office administering federally assisted programs carried out by State agencies which will result in the acquisition of real property shall require that State agencies:

(a) Reimburse owners for necessary expenses as specified in sections 303 and 304 of the Act, and

(b) Comply with the provisions of sections 301 and 302 of the Act if compliance is legally possible under State law.

Subpart 114–50.4—Relocation Assistance Advisory Services

§ 114–50.400 Relocation assistance advisory program.

Whenever the acquisition of real property for a program or project undertaken by a Bureau or Office will result in the displacement of any person, the Bureau or Office shall establish a relocation assistance advisory program for the displaced person or persons. If the head of the Bureau or Office determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition he may offer such person relocation advisory services under this program. Where a federally assisted project is involved in the displacement, the State agency shall provide the advisory services. Each relocation assistance advisory program shall include such measures, facilities, or services as may be necessary or appropriate to:

(a) Determine the need, if any, of displaced persons, for relocation assistance;

(b) Provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary sales and rental housing and of comparable commercial properties and locations for displaced businesses;

(c) Insure the availability of adequate replacement housing prior to displacement as prescribed in Subpart 114–50.5 of this part;

(d) Assist a person displaced from his business or farm operation in obtaining

and becoming established in a suitable replacement location;

(e) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

(f) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

§ 114–50.401 Organizational requirements.

The head of each Bureau or Office engaged in programs which cause the displacement of persons shall insure that responsibility for administration of relocation assistance programs is properly assigned in accordance with the following:

(a) *Headquarters office.* An official at the Bureau or Office headquarters level shall be assigned responsibility for providing staff guidance and direction for administration of the Bureau's relocation programs.

(b) *Regional or comparable office level.* At least one official in each region, area, or State office where relocation occurs, shall be assigned the responsibility for providing relocation assistance. These officials may be responsible for one or more projects within the region or other geographical area where practicable and appropriate.

(c) *Local relocation office.* A local relocation office, properly staffed, should be established when it is determined that the volume of work or the needs of the displaced persons justify such an office. The determination to establish a local relocation office may be made only by the head of the Bureau or Office on an individual project basis. Local relocation offices, when established, should be reasonably accessible to public transportation or within walking distance of the project and should be open during hours convenient to the persons being displaced.

§ 114–50.402 Relocation plan.

A relocation plan shall be developed for all new areas or projects where land acquisition activities will cause displacement of persons from their dwellings, businesses, or farm operations.

(a) The plan shall include the following information, as a minimum:

(1) The estimated number of individuals, families, businesses, farms, and nonprofit organizations which are to be relocated;

(2) The probable availability of decent, safe, and sanitary replacement housing within the financial means of the individuals and families being displaced;

(3) The estimated total cost of payments to displaced persons for all benefits under the Act for replacement housing; and

(4) The estimated cost of administering required relocation services to displaced persons.

(b) Each relocation plan should be:

(1) Developed sufficiently to provide a means for determining whether or not the project or area is feasible from the standpoint of assuring that suitable replacement housing will be available to displaced persons;

(2) Coordinated with other Federal and State agencies and private concerns having relocation programs within the project area, to insure that the real estate market from which replacement housing will be obtained is capable of supplying the demands of all users of housing. (See also §§ 114–50.403 and 114–50.404); and

(3) Updated periodically to reflect current real estate conditions as required for congressional and/or budget hearings. When funds have been appropriated for commencement of real property acquisition, the relocation plan will be continuously updated and serve as a basis for accomplishing required relocation activities.

§ 114–50.403 Coordination of planned relocation activities.

Where two or more Bureaus of the Department of the Interior plan displacement activities in a given community or project area, they shall coordinate such plans to insure the adequacy of available replacement housing and that displaced persons receive the maximum assistance available to them. Similarly, Bureaus and Offices shall communicate with other Federal agencies, and State and local agencies, contemplating displacement activities in the community or area for the purpose of planning relocation activities and coordinating available housing resources.

(a) Bureaus and Offices causing displacement shall:

(1) Consult with the appropriate Regional/Area Office of the Department of Housing and Urban Development within the jurisdictional area concerning the availability of housing;

(2) Provide the Housing and Urban Development Regional/Area Office with information regarding the projects which will cause displacement; and

(3) Designate at least one representative who will meet periodically with representatives of other Interior Bureaus and other Federal agencies causing displacement in the community to review the impact of their respective programs on the community or area.

(b) A directory of the Department of Housing and Urban Development Regional/Area Offices is contained in Appendix I to this subpart. The Department of Housing and Urban Development will maintain this directory on a current basis and furnish updated copies upon request.

§ 114–50.404 Local coordination.

To further insure maximum coordination of relocation activities in a given community or area, the displacing agency shall consult appropriate local officials prior to approving any proposed project in the community, consistent with the requirements promulgated by Office of Management and Budget Circular No. A–95 (Revised). The circular provides a central point of identifying local officials.

§ 114–50.405 Coordination with project work.

Bureaus and Offices shall coordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of relocation assistance programs.

§ 114–50.406 Public information.

The head of each Bureau and Office shall insure that the public receives adequate knowledge of the Bureau's relocation programs and that persons to be displaced are fully informed, at the earliest possible time, concerning relocation plans. In those areas where the number of persons to be displaced is such that it is not feasible to provide such information on a personal basis, the Bureau or Office shall afford all concerned persons an opportunity to discuss the relocation program at public meetings. Brochures describing the relocation program will be distributed at these meetings and to all other individuals and organizations, as appropriate.

(a) Discussions at public meetings shall include, as a minimum, the following:

(1) The availability of relocation assistance and services, eligibility requirements, and payment procedures;

(2) The estimated number of individuals, families, businesses, farm operations, and nonprofit organizations to be relocated;

(3) Specific plans for relocating all eligible displaced persons in suitable replacement housing; and

(4) The right of administrative review by the head of the Bureau or Office and to appeal to the Secretary of the Interior, as provided in Subpart 114–50.11 of this part.

(b) Where appropriate, Bureaus and Offices will, within 15 days after initiation of negotiations on a project, provide public announcements concerning:

(1) The relocation services to be provided;

(2) The payments which can be made; and

(3) The location where the Bureau or Office relocation brochures can be obtained.

(c) Public announcements may utilize any type of mass media which will provide full and adequate notice to the public.

§ 114–50.407 Contracting for relocation services.

Bureaus and Offices may enter into agreements with any Federal, State, or local agency, or contracts with private individuals or concerns for the purpose of carrying out relocation activities as provided in §§ 114–50.407–1 and 114–50.407–2. Each such agreement or contract shall require specific performance standards for the services to be provided.

Any contract for such services must be executed and administered in conformance with Interior Procurement Regulations.

§ 114–50.407–1 Agreements with central relocation agency.

When a central relocation agency is available in the community or project area, the displacing agency shall consider entering into an agreement with such agency in an effort to reduce costs, prevent duplication, and promote uniform and effective administration of relocation assistance programs for displaced persons. The appropriate Regional/Area Office of the Department of Housing and Urban Development will provide information and assistance concerning these services, upon request.

§ 114–50.407–2 Contracting with private concerns.

Bureaus and Offices may provide relocation services through contracts with private individuals or concerns only when the following conditions exist:

(a) A central relocation agency is not available in the community or project area, or a central agency is available but does not have the capacity to provide the necessary services within the time required by the Bureau's program, and

(b) The Bureau or Office does not have the in-house capability to provide the services.

§ 114–50.407–3 Relocation services—Federally assisted programs.

Stage agencies receiving Federal financial assistance on a project may enter into agreements or contracts for the provision of relocation services in accordances with this Subpart 114–50.4. When a State agency elects to contract for these services, the Bureau or Office providing the Federal financial assistance shall take such action as is necessary to insure that the contract will facilitate a uniform and effective relocation program for the displaced persons. Any such contract shall include the following provisions, as a minimum:

(a) That payments or services shall be provided in accordance with the regulations in this Part 114–50;

(b) That records pertinent to the contract will be retained by the State agency for a period of a least 3 years and shall be available for examination by representatives of the Bureau or Office;

(c) Clauses required by regulations implementing title VI of the Civil Rights Act of 1964 (Public Law 88–353); and

(d) Any other provision as required by the Bureau or Office administering the federally assisted program or project.

§ 114–50.408 Displaced person declining to accept relocation services.

A displaced person is not required to accept the relocation services provided for his benefit. He may choose to relocate on his own and still be eligible for payments under the Act. However, the displaced person must meet the occupancy requirements for decent, safe, and sanitary housing and make application within the prescribed time limits to be eligible for a replacement housing payment.

APPENDIX 1

DIRECTORY-REGIONAL AND AREA OFFICES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Effective October 1, 1971

REGION I

Regional Administrator, James J. Barry, Room 800, John F. Kennedy Federal Building, Boston, Mass. 02203, Tel. (617) 223–4066.

Area Offices

Connecticut, Hartford 06105, 999 Asylum Avenue, Tel. (203) 244–3638.

Massachusetts, Boston 02114, Bulfinch Building, 15 New Chardon Street, Tel. (617) 223–4111.

New Hampshire, Manchester 03101, Davison Building, 1230 Elm Street, Tel. (603) 669–7681.

REGION II

Regional Administrator, S. William Green, 26 Federal Plaza, New York, N.Y. 10007, Tel. (212) 264–8068.

Area Offices

New Jersey, Camden 08103, The Parkade Building, 519 Federal Street, Tel. (609) 963–2301.

New Jersey, Newark 07102, Gateway 1 Building, Raymond Plaza, Tel. (201) 645–3010.

New York, Buffalo 14202, Grant Building, 560 Main Street, Tel. (716) 842–3510.

New York, New York 10007, 120 Church Street, Tel. (212) 264–0522.

Commonwealth Area Office

Puerto Rico, San Juan 00936, Post Office Box 3869 GPO, 255 Ponce de Leon Avenue, Hato Rey, Puerto Rico, FTS Tel. (Dial Code 106—ask operator for listed number 622–0201), Commercial Number: 622–0201.

REGION III

Regional Administrator, Theodore R. Robb, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106, Tel. (215) 597–2560.

Area Offices

District of Columbia, Washington 20005, 1310 L Street NW., Tel. (202) 382–4855.

Maryland, Baltimore 21201, Federal Building, 31 Hopkins Plaza, Tel. (301) 962–2121.

Pennsylvania, Philadelphia 19106, Curtis Building, 625 Walnut Street, Tel. (215) 597–2358.

Pennsylvania, Pittsburgh 15222, 1000 Liberty Avenue, Tel. (412) 644–2802.

Virginia, Richmond 23240, 701 East Franklin Street, Post Office Box 10011, Tel. (703) 782–2721.

REGION IV

Regional Administrator, Edward H. Baxter, Peachtree-Seventh Building, 50 Seventh Street, NE., Atlanta, GA 30323, Tel. (404) 526–5585.

Area Offices

Alabama, Birmingham 35233, Daniel Building, 15 South 20th Street, Tel. (205) 325–3264.

Florida, Jacksonville 32204, Peninsular Plaza, 661 Riverside Avenue, Tel. (904) 791–2626.

Georgia, Atlanta 30303, Peachtree Center Building, 230 Peachtree Street NW., Tel. (404) 526–4576.

Kentucky, Louisville 40202, Children's Hospital Foundation Building, 601 South Floyd Street, Tel. (502) 582–5254.

Mississippi, Jackson 39202, 301 North Lamar Street, FTS Tel. (601) 948–2267, Commercial Number: 948–7821.

North Carolina, Greensboro 27408, 2309 West Cone Boulevard, Northwest Plaza, FTS Tel. (919) 275–9361, Commercial Number: 275–9111.

South Carolina, Columbia 29201, 1801 Main Street, Jefferson Square, FTS Tel. (803) 253–3535, Commercial Number: 253–8371.

Tennessee, Knoxville 37919, 1 Northshore Building, 1111 Northshore Drive, FTS Tel. (615) 524–4011, Commercial Number: 584–8527.

REGION V

Regional Administrator, George J. Vavoulis, 300 South Wacker Drive, Chicago, IL 60606, Tel. (312) 353–5680.

Area Offices

Illinois, Chicago 60602, 17 North Dearborn Street, Tel. (312) 353–7660.

Indiana, Indianapolis 46205, Willowbrook 5 Building, 4720 Kingsway Drive, Tel. (317) 633–7188.

Michigan, Detroit 48226, Fifth Floor, First National Building, 660 Woodward Avenue, Tel. (313) 226–7900.

Minnesota, Minneapolis-St. Paul, Griggs-Midway Building, 1821 University Avenue, St. Paul, MN 55104, Tel. (612) 725–4801.

Ohio, Columbus 43215, 60 East Main Street, Tel. (614) 469–5737.

Wisconsin, Milwaukee 53203, 744 North Fourth Street, FTS Tel. (414) 224–3214, Commercial Number: 272–8600.

REGION VI

Regional Administrator, Richard L. Morgan, Federal Building, 810 Taylor Street, Fort Worth, TX 76102, Tel. (817) 334–2867.

Area Offices

Arkansas, Little Rock 72201, Union National Bank Building, 1 Union National Plaza, FTS Tel. (501) 372–5401, Commercial Number: 372–4361.

Louisiana, New Orleans 70113, Plaza Tower, 1001 Howard Avenue, Tel. (504) 527–2062.

Oklahoma, Oklahoma City 73102, 301 North Hudson Street, FTS Tel. (405) 231–4891, Commercial Number: 231–4181.

Texas, Dallas 75202, Room 14–A–18, New Dallas Federal Building, 1100 Commerce Street, Tel. (214) 749–2158.

Texas, San Antonio 78285, Kallison Building, 410 South Main Avenue, Post Office Box 9163, FTS Tel. (512) 225–4665, Commercial Number: 225–5511.

REGION VII

Regional Administrator, Harry I. Sharrott (Acting), Room 300 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106, Tel. (816) 374–2661.

Area Offices

Kansas, Kansas City 66117, 1 Gateway Center, Fifth and State Streets, Post Office Box 1339, Tel. (816) 374–4355.

Missouri, St. Louis 63101, 210 North 12th Street, Tel. (814) 622–4760.

Nebraska, Omaha 68106, Univac Building, 7100 West Center Road, Tel. (402) 221–4221.

REGION VIII

Regional Administrator, Robert C. Rosenheim, Federal Building, 1961 Stout Street, Denver, CO 80202, Tel. (303) 837–4881.

REGION IX

Regional Administrator, Robert H. Baida, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102, Tel. (415) 556–4752.

Area Offices

California, Los Angeles 90057, 2500 Wilshire Boulevard, Tel. (213) 688–5127.

California, San Francisco 94111, 1 Embarcadero Center, Suite 1600, Tel. (415) 556-2238.

REGION IX

Regional Administrator, Oscar P. Pederson, Arcade-Plaza Building, 1321 Second Avenue, Seattle, WA 98101, Tel. (206) 442-5415.

Area Offices

Oregon, Portland 97204, 520 Southwest Sixth Avenue, Tel. (503) 226-2726.
Washington, Seattle 98101, Arcade-Plaza Building, 1321 Second Avenue, Tel. (206) 442-7456.

Subpart 114–50.5—Assurance of Adequate Replacement Housing Prior to Displacement

§ 114–50.500 Determination of availability of replacement housing.

Bureaus and Offices shall not proceed with any phase of any project or authorize a State agency to proceed with any phase of a project which will cause the displacement of any person until it has determined, or received satisfactory assurances from the displacing State agency that, within a reasonable period of time prior to displacement, decent, safe, and sanitary housing as defined in § 114–50.201(e) will be available 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 of the families and individuals being displaced. Such dwellings are to be equal in number to the number of, and available to, persons being displaced who require dwellings and reasonably accessible to their places of employment.

(a) *Support.* Determinations or assurances shall be based on a current survey and analysis of available replacement housing by the Bureau or Office or displacing State agency and shall take into consideration the competing demands on available housing. (See Subpart 114–50.4 of this part). Information to develop and maintain the survey may be available from the Department of Housing and Urban Development, the Veterans Administration, and real estate associations. The survey should:

(1) Be undertaken during the planning phase for each project,

(2) Include sufficient data to support assurances that replacement dwellings are available to meet the criteria specified in this § 114–50.500, and

(3) Include a listing of the housing currently available.

(b) *Waiver.* The head of the Bureau or Office may waive the requirements of this § 114–50.500 for assuring the availability of replacement housing only in the case of an emergency or other extraordinary situation where immediate possession of real property is of crucial importance. Each such waiver shall be supported by appropriate findings and a determination of the necessity for the waiver which shall be documented in writing and made a part of the record.

§ 114–50.501 Housing provided as last resort.

In any case where the survey analysis of available replacement housing required by § 114–50.500 discloses that adequate replacement housing is not available and cannot otherwise be made available, the head of the Bureau or Office may take action or approve action by a State agency to develop replacement housing as authorized by section 206(a). Bureaus and Offices taking or approving such action for replacement housing will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development. A State agency taking such action should comply with the requirements and procedures of the Bureau or Office which provides the Federal financial assistance.

§ 114–50.502 Loans for planning and other preliminary expenses for additional housing.

To encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons, the head of the Bureau or Office may provide loans to eligible borrowers for planning and other preliminary expenses authorized by section 215. Bureaus and Offices will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development in the implementation of this paragraph. A State agency providing such loans should comply with the requirements and procedures of the Bureau or Office which provides the Federal financial assistance.

Subpart 114–50.6—Moving and Related Expenses

§ 114–50.600 Eligibility.

(a) Any displaced person, as defined in Subpart 114–50.2 of this part, including one who conducts a business or farm operation, is eligible to receive a payment for moving and related expenses.

(b) A person who lives on his business or farm property may be eligible for both:

(1) Moving and related expenses as a dwelling occupant, and

(2) Moving and related expenses with respect to displacement from a business or farm operation.

(c) A displaced owner-occupant of a multifamily rental dwelling may be eligible for both:

(1) Moving and related expenses as a dwelling occupant, and

(2) Moving and related expenses with respect to displacement from a business.

§ 114–50.601 Payment for moving expenses.

Whenever the acquisition of real property will result in the displacement of any person, business, or farm operation, the displacing agency shall make a payment to such displaced person upon proper application for the following, or the "in lieu" payments authorized in Subpart 114–50.7 of this part.

(a) Actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(b) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the displacing agency; and

(c) Actual reasonable expenses in searching for a replacement business or farm operation.

§ 114–50.601–1 Allowable moving expenses.

(a) Actual reasonable expenses incurred by the displaced person in moving may be allowed as follows:

(1) Transportation of individuals, families, and personal property from the acquired site to the replacement site, not to exceed a distance of 50 miles, except where the displacing agency determines that relocation beyond the 50-mile area is justified.

(2) Packing and unpacking, crating and uncrating of personal property.

(3) Advertising for packing, crating, and transportation when the displacing agency determines that it is necessary.

(4) Storage of personal property for a period generally not to exceed 12 months when the displacing agency determines that storage is necessary in connection with relocation.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, reestablishment of machinery, equipment, appliances, and other items, including modifications as deemed necessary by the Bureau or Office and reconnection of utilities not acquired as real property.

(7) Property lost, stolen, or damaged (not caused by the fault or neglect of the displaced person, his agent or employees) in the process of moving, where insurance to cover such loss or damage is not available.

(8) Such other reasonable expenses as may be determined to be allowable by the Bureau or Office.

(b) Limitations:

(1) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially, unless the Bureau or Office determines a greater amount is justified.

(2) 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 shall not exceed the replacement cost minus the proceeds received from the sale, or the estimated cost of moving, whichever is less.

(3) 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 re-

lation to the value, in the judgment of the Bureau or Office, the allowable reimbursement for the expense of moving the personal property shall 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.

(4) If the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in place value of the display, consideration should be given to acquiring such display or displays as a part of the real property.

§ 114–50.601–2 Nonallowable moving expenses and losses.

The following expenses shall not be included in the moving expense payment required to be made by § 114–50.601:

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures or other improvements in which the displaced person reserved ownership, except as otherwise provided by law.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of good will.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Payment for search cost in connection with locating a replacement dwelling.

(k) Such other items as the Bureau or Office determines should be excluded.

§ 114–50.602 Payment for expenses incurred in searching for replacement business or farm.

Actual reasonable expenses incurred by the displaced person in searching for a replacement business or farm may be allowed as follows:

(a) Actual travel costs.

(b) Extra costs for meals and lodging.

(c) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed $10 per hour.

(d) In the discretion of the displacing agency, necessary broker, real estate, or other professional fees to locate a replacement business or farm operation under circumstances prescribed by the Bureau or Office.

§ 114–50.602–1 Limitation.

The total amount which a displaced person may be paid for searching expenses may not exceed $500, unless the Bureau or Office determines that a greater amount is justified based on the circumstances involved.

§ 114–50.603 Actual direct losses by business or farm operation.

Whenever the acquisition of or notice to move from, real property used for a business or farm operation causes any person to move from other real property used for his dwelling, or to move his personal property from such other real property, such person may receive payments for moving and related expenses as provided in § 114–50.601.

(a) When the displaced person does not move personal property he should be required to make a bona fide effort to sell it and should be reimbursed for the reasonable costs incurred.

(b) When the business or farm operation is discontinued, the displaced person is entitled to the difference between the fair market value of the personal property for continued use at its location prior to displacement and the sale proceeds, or the estimated costs of moving 50 miles, whichever is less.

(c) When the personal property is abandoned, the displaced person is entitled to payment for the fair market value of the property for continued use at its location prior to displacement or the estimated cost of moving 50 miles whichever is less.

(d) When personal property is sold and the business or farm operation reestablished, the displaced person is entitled to payment provided in IPMR § 114–50.601–1(b)(2).

(e) The costs of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

Subpart 114–50.7—Payments in Lieu of Moving and Related Expenses

§ 114–50.700 Eligibility.

Except as otherwise provided herein, a displaced person, including one who is displaced from a business or farm operation, who is eligible to receive payments for moving and related expenses under Subpart 114–50.6 of this part, may elect to receive payments in accordance with this Subpart 114–50.7 of this part, in lieu of payment for actual moving and related expenses.

§ 114–50.701 Displaced dwelling occupant.

A person displaced from a dwelling who elects to receive the payments authorized by this paragraph, in lieu of payment for actual moving expenses, may receive a moving expense allowance, determined in accordance with a schedule established by the Bureau or Office, not to exceed $300, plus a dislocation allowance of $200.

§ 114–50.701–1 Moving allowance schedules.

Moving allowance schedules maintained by the respective State highway departments should be used as the basis for the Bureau or Office schedules. These schedules should provide for adequacy of reimbursement in every locality.

(a) The Federal Highway Administration will make current schedules available to displacing agencies upon request.

(b) In areas where there are no highway department schedules, Bureaus and Offices undertaking or providing Federal financial assistance to a project causing displacement in such areas shall cooperate with other displacing agencies in the development of a single moving expense schedule for the use of all such agencies.

§ 114–50.702 Displaced farm operation.

A person displaced from his farm operation who elects to receive the payment authorized by this paragraph, in lieu of payment for actual moving and related expenses, may receive a fixed payment in an amount equal to the average annual net earnings (see § 114–50.705) of the farm operation, except that such payment shall be not less than $2,500 nor more than $10,000.

§ 114–50.702–1 Farms—Partial taking.

Where a displaced person is displaced from only a part of his farm operation, the fixed payment provided in § 114–50.702 shall be made only if the displacing agency determines that the farm met the definition of a farm operation prior to the acquisition and that the property remaining after the acquisition does not.

§ 114–50.703 Displaced business.

A person displaced from his business, as defined in § 114–50.201(c) (1), (2), and (3), who elects to receive the payment authorized by this paragraph, in lieu of payment for actual moving and related expenses, may receive a fixed payment in an amount equal to the average annual net earnings (see § 114–50.705) of the business, except that such payment shall be not less than $2,500 nor more than $10,000.

(a) Care must be exercised to insure that a fixed payment is made only in connection with a bona fide business.

(b) No payment shall be made pursuant to this paragraph until after the displacing agency determines:

(1) That the business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, and

(2) That the business cannot be relocated without a substantial loss of existing patronage.

§ 114–50.703–1 Determination of loss of existing patronage to a business.

The determination of loss of existing patronage to a business shall be made by the displacing agency only after consideration of all pertinent circumstances, including but not limited to the following factors:

(a) The type of business conducted by the displaced concern.

(b) The nature of the clientele of the displaced concern.

(c) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person.

§ 114–50.703–2 Businesses not eligible to receive "in lieu" payment.

Those businesses described in § 114–50.201(c)(4) are not eligible to receive a

fixed payment in lieu of payment for actual moving and related expenses.

§ 114–50.704 Displaced nonprofit organizations.

A displaced nonprofit organization may elect to receive a fixed payment, in lieu of payment for actual moving and related expenses, in an amount equal to the average annual net earnings of the nonprofit organization, except that such payment shall be not less than $2,500 nor more than $10,000. However, no payment shall be made pursuant to this paragraph until after the Bureau or Office determines that:

(a) The nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used in connection with nonprofit organizations includes the persons, community, or clientele served or affected by the activities of the nonprofit organization.

(b) The nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

§ 114–50.705 Average annual net earnings.

The term "average annual net earnings" as used in this subpart means one-half of any 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 such business or farm operation moves from the real property acquired, or during such other period as the displacing agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such period.

Subpart 114–50.8—Replacement Housing Payment for Homeowners

§ 114–50.800 Eligibility.

A displaced owner-occupant is eligible for a replacement housing payment not in excess of $15,000: *Provided*, That he meets both of the following requirements:

(a) Actually owned and occupied the dwelling from which displaced for not less than 180 days immediately prior to the initiation of negotiations (see § 114–50.201(p)) for the acquisition of the property, and

(b) Purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the 1-year period beginning on the date on which he receives from the displacing agency final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

§ 114–50.800–1 Owner-occupant of less than 180 days.

A displaced owner-occupant of a dwelling who is determined to be ineligible for a replacement housing payment under this Subpart 114–50.8 of this part may be eligible for a payment under Subpart 114–50.9 of this part.

§ 114–50.801 Elements included in replacement housing payment.

The replacement housing payment authorized by this subpart is in addition to payments otherwise authorized by title II of the Act. It includes the following elements:

(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, is necessary to purchase a comparable replacement dwelling as defined in § 115–50.201(d).

(b) The amount, if any, necessary to compensate the displaced person for increased interest costs, including points, which he is required to pay for financing the purchase of a comparable replacement dwelling. This amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage. A bona fide mortgage is one which was a valid lien on the acquired dwelling for not less than 180 days prior to initiation of negotiations.

(c) Reasonable expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

§ 114–50.802 Computation of replacement housing payment.

Bureaus and Offices shall determine the amounts necessary to compensate a displaced person for the replacement housing differential payment, increased interest costs, and incidental expenses in accordance with the following subparagraphs.

§ 114–50.802–1 Differential payment for replacement housing.

The replacement housing differential payment may be determined by either establishing a schedule or by using a comparative method.

(a) *Schedule method.* A schedule may be established reflecting reasonable acquisition costs for comparable replacement dwellings of the various types of dwellings to be acquired and available on the private market.

(1) The schedule shall be based on a current analysis of the market to determine an amount for each type of dwelling required.

(2) When more than one Bureau or Office of the Department of the Interior is causing displacement in a community or an area, they shall coordinate the establishment of a single schedule for replacement housing payments. Similarly, Bureaus and Offices shall cooperate with other Federal agencies causing displacement in the community or area, if any, in the development of such a schedule.

(b) *Comparative method.* The price of a comparable replacement dwelling may be determined by selecting one or more dwellings most representative of the dwelling unit acquired which are available to the displaced person on the private market and which meet the definition of comparable replacement dwelling. A single dwelling shall only be used when additional comparable dwellings are unavailable.

(c) *Alternate method.* In the event that neither the schedule or comparative methods is feasible, the displacing agency should develop criteria for computing replacement housing payments.

(d) *Limitations.* The amount established as the differential payment for the replacement housing sets the upper limit of this payment.

(1) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the differential payment, the replacement housing payments will be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(2) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment shall be made.

§ 114–50.802–2 Interest payment.

The payment for any increased interest costs including points, incurred by the displaced person, shall be determined in consideration of the following:

(a) The payment shall 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 bona fide mortgage on the acquired dwelling, at the time of acquisition, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value.

(b) The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) The interest payment shall be based on the present value of the reasonable cost of the interest differential, including points paid by the purchaser, on the amount financed not to exceed the amount of the unpaid debt on the acquired dwelling for its remaining term.

§ 114–50.802–3 Incidental expenses.

(a) The payment for incidental expenses, i.e., the amount necessary to reimburse a displaced person for actual costs incurred by him incident to purchase of a replacement dwelling, shall be determined in consideration of such costs as:

(1) Legal, closing, and related costs including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation.

(2) Lenders, Federal Housing Administration, or Veterans' Administration appraisal fees.

(3) Federal Housing Administration application fee.

(4) Certification of structural soundness when required by lender, Federal Housing Administration, or Veterans' Administration.

(5) Credit report.

(6) Title policies or abstracts of title.

(7) Escrow agent's fee.

(8) State revenue stamps, or sale or transfer taxes.

(b) No fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, title I, Public Law 90-321, and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System.

§ 114–50.803 Statement of eligibility pending purchase of replacement dwelling.

Upon request of a displaced owner-occupant who has not yet purchased and occupied a replacement dwelling, but who is otherwise eligible for a replacement housing payment under this subpart, Bureaus and Offices shall furnish a written statement to any interested person, financial institution, or lending agency as to the displaced person's eligibility for a payment and the requirements which must be satisfied before such payment can be made.

§ 114–50.804 Advance payment in condemnation cases.

An advance replacement housing payment may be made to a displaced person if determination of the acquisition price of the acquired dwelling will be delayed pending the outcome of condemnation proceedings. Inasmuch as the exact amount of the replacement housing payment cannot be ascertained until final adjudication of the condemnation suit, a provisional replacement housing payment may be determined based on the displacing agency's maximum offer for the property acquired. No such payment may be made, however, unless the homeowner agrees, in writing, that:

(a) Upon final determination of the condemnation proceeding, the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court;

(b) If the acquisition price as determined by the court is greater than the displacing agency's maximum offer upon which the provisional replacement housing payment was based, the difference shall be refunded to the displacing agency; and

(c) If the acquisition price as determined by the court is less than the displacing agency's maximum offer upon which the provisional replacement housing payment was based, the difference shall be paid to the homeowner.

Subpart 114–50.9—Replacement Housing Payment for Tenants and Certain Others

§ 114–50.900 Eligibility requirements.

(a) *Displaced tenant or owner-occupant of less than 180 days.* A displaced tenant, or owner-occupant of a dwelling for less than 180 days, is eligible for a replacement housing payment if he meets both of the following requirements:

(1) Actually occupied the dwelling for not less than 90 days immediately prior to the initiation of negotiations (see § 114–50.201(p)) for acquisition of the property, and

(2) Is not eligible to receive a payment under Subpart 114–50.8.

(b) *Owner-occupant of 180 days or more who rents instead of purchases.* A displaced owner-occupant of a dwelling for not less than 180 days immediately prior to initiation of negotiations is eligible for a replacement housing payment as a tenant, as authorized by section 204 of the Act: *Provided*, That, instead of purchasing and occupying a replacement dwelling in accordance with § 114–50.800(b), he rents a replacement dwelling which is decent, safe, and sanitary.

§ 114–50.901 Notification to tenants.

Bureaus and Offices shall notify the tenant or other occcupant, in writing, of the date of initiation of negotiations.

§ 114–50.902 Replacement housing payment.

(a) A displaced tenant or owner-occupant of less than 180 days who meets the eligibility requirements of § 114–50.900(a) is eligible for either:

(1) The differential payment necessary to enable him to lease or rent, for a period not to exceed 4 years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed $4,000, or

(2) If he purchases replacement housing within 1 year from displacement, the amount necessary to enable him to make a downpayment, including incidental expenses, on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and commercial and public facilities, but not to exceed $4,000, except that if such amount exceeds $2,000, such person must equally match any such amount in excess of $2,000, in making the downpayment.

(b) A displaced owner-occupant of 180 days or more who rents instead of purchases replacement housing is eligible for the rental differential payment prescribed in paragraph (a)(1) of this section. In no event, however, will the replacement rental payment exceed the amount he would have been entitled to receive under Subpart 114–50.8 of this part or $4,000, whichever is less.

§ 114–50.903 Computation of replacement housing rental differential payment—tenants and owner-occupants of less than 180 days.

Bureaus and Offices shall establish the amount necessary to rent a comparable replacement dwelling. The amount may be determined either by establishing a schedule or by a comparative method.

(a) *Schedule method.* A rental schedule may be established for renting comparable replacement dwellings of the various types required and which are available in the private market. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (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 48 times the monthly economic rent (see § 114–50.201(i)) for the dwelling unit as established by the Bureau or Office.

(1) The schedule should be based on a current analysis of the market to determine an amount for each type of dwelling required.

(2) When more than one Bureau or Office of the Department of the Interior is causing displacement in the same community or area, they shall coordinate with each other in choosing the method for computing the replacement housing payment and shall use uniform schedules of average rental housing in the community or area. Similarly, Bureaus and Offices shall cooperate with other Federal agencies causing displacement in the community or areas, if any, in the establishment of the schedule.

(b) *Comparative method.* The average month's rent may be determined by selecting one or more dwellings most representative of the dwelling unit acquired, which is available to the displaced person and meets the definition of comparable replacement dwelling. The payment should be computed by determining the amount necessary to rent comparable replacement dwelling for 4 years 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, 48 times the monthly economic rent (see § 114–50.201(i)) for the dwelling unit as established by the Bureau or Office.

(c) *Exceptions.* The average month's rent paid by the displaced person may be established by using more than 3 months when deemed advisable. If rent is being paid to the displacing agency, economic rent shall be used in determining the amount of the payment to which the displaced person is entitled.

(d) *Alternate method of computing replacement housing rental differential payment.* When neither the schedule or the comparative method of computing the rental differential payment is feasible, the Bureau or Office shall develop criteria for computing the payment.

§ 114–50.904 Computation of replacement housing rental differential payment for displaced owner-occupant of 180 days or more.

The replacement housing rental differential payment for an owner-occupant of 180 days or more who rents instead of purchases shall be computed as pre-

scribed in § 114–50.903, except that economic rent shall be regarded as the rental value of the dwelling acquired.

§ 114–50.905 Computation of replacement housing payment—purchases.

When a displaced tenant or owner-occupant of less than 180 days elects to purchase, rather than rent replacement housing, the payment shall be computed by determining the amount necessary to enable him to make a downpayment and to cover incidental expenses on the purchase of replacement housing, as follows:

(a) The downpayment shall be the amount necessary to make a downpayment on a comparable replacement dwelling. Determination of the amount necessary for such downpayment shall be based on the amount of downpayment that would be required for purchase of the dwelling using a conventional loan.

(b) Incidental expenses of closing the transaction are those as described in § 114–50.802–3.

(c) The maximum payment may not exceed $4,000, except that if more than $2,000 is required, the displaced person must match any amount in excess of $2,000 by an equal amount in making the downpayment.

(d) The full amount of the replacement housing payment must be applied to the purchase price and incidental costs shown on the closing statement.

§ 114–50.906 Disbursement of rental replacement housing differential payment.

As a general rule, payment of the rental replacement housing differential payment authorized by § 114–50.902(a) shall be made in a lump-sum payment. Exceptions to this general rule may be made only when deemed avisable in consideration of the displaced persons present status as to decent, safe, and sanitary conditions, income, and the wishes of the displacee.

Subpart 114–50.10—Federally Assisted Programs

§ 114–50.1000 Acceptance of real property furnished by a State incident to Federal program.

Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal program or project, the Bureau or Office administering the program or project may not accept such property unless the State agency has made all payments and provided all assistance and assurances as are required of a State agency by sections 210 and 305 of the Act. The State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project, except that in the case of any real property acquisition or displacement occurring prior to July 1, 1972, the Bureau or Office shall pay the first $25,000 of the cost of providing the required payments and assistance.

§ 114–50.1001 Assurances—section 210.

Bureaus and Offices shall not approve any grant to, contract, or agreement with, a State agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of the Act, unless satisfactory assurances are received from the State agency that:

(a) Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by Bureaus and Offices under this Part 114–50.

(b) Relocation assistance programs offering the services described in Subpart 114–50.4 of this part shall be provided to the displaced persons;

(c) Within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with Subpart 114–50.5 of this part, and

(d) The affected persons will be adequately informed of the benefits available under title II of the Act, and the policies and procedures relating to the payment of such benefits.

§ 114–50.1002 Assurances—section 305.

Bureaus and Offices shall not approve any program or project or any grant to contract, or agreement with a State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on or after the effective date of the Act, unless satisfactory assurances are received from the State agency that:

(a) In acquiring real property, the State agency will be guided, to the greatest extent practicable under State law, by the land acquisition policies set forth in Subpart 114–50.3 of this part.

(b) Property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of the Act, and

(c) The affected persons will be adequately informed of the benefits available under title III of the Act and the policies and procedures relating to the payment of such benefits.

§ 114–50.1003 Compliance with sections 301 and 302.

A State agency's assurances shall be accompanied by a statement indicating the extent to which it can comply with the provisions of sections 301 and 302. In the event a State agency maintains that it is unable to comply fully with any of the prescribed policies, its statement shall be supported by an opinion of the chief legal officer of the State agency. State agencies should comply with sections 301 and 302 if compliance is legally possible under State law.

§ 114–50.1004 Inability to provide assurances prior to July 1, 1972.

Bureaus and Offices shall not approve or authorize any action by a State agency which will result in the displacement of any person or the acquisition of any real property, except in accordance with the following requirements:

(a) The State agency has provided satisfactory assurances as required by sections 210 and 305 of the Act, or

(b) The State agency's assurances are accompanied by a statement in which it identifies any of the assurances required by sections 210 and 305 which it is unable to provide in whole or in part, under its laws. If a State agency maintains that it is legally unable to provide all or any part of the required assurances, its statement shall be supported by an opinion of the chief legal officer of the State agency.

§ 114–50.1005 Inability to provide assurances for programs or projects causing displacement on or after July 1, 1972.

(a) On and after July 1, 1972, Bureaus and Offices shall not approve any grant to, contract, or agreement with any State agency under which Federal financial assistance will be available to pay all or part of the cost of a program or project if:

(1) The State agency is unable to provide the assurances required by sections 210 and 305 of the Act, and

(2) The program or project will result in the acquisition of any real property and/or the displacement of any person.

(b) Once the assurances applicable to all persons to be displaced and owners of real property to be acquired are provided by the State agency, such grants, contracts, or agreements may be executed in the usual manner.

(c) If the federally assisted program or project will not result in either the acquisition of real property or the displacement of persons, a grant, contract, or agreement may be executed with the State agency on or after July 1, 1972, without regard to such State agencies' ability or inability to provide the assurances required by sections 210 and 305.

§ 114–50.1006 Monitoring assurances.

Bureaus and Offices shall monitor the assurances provided by State agencies on a continuing basis to insure that federally assisted programs and projects are carried out in conformance with such assurances.

§ 114–50.1007 Grants, contracts, or agreements executed prior to July 1, 1972.

(a) *Amendment.* Each grant to, or contract or agreement with a State agency executed before July 1, 1972, under which Federal financial assistance is available to pay all or part of the costs of any program or project which will result in the displacement of any person or the acquisition of any real property on or after

July 1, 1972, shall be amended to include the cost of providing payments and services under sections 210 and 305 of the Act.

(b) *Approval.* The head of a Bureau or Office shall not approve any grant to, contract, or agreement with, a State agency if such action will prevent any person displaced, or any owner of real property acquired, after July 1, 1972, from receiving the benefits for which they would otherwise be eligible.

§ 114–50.1008 Federal share of costs.

The cost to a State agency of providing the payments and assistance required by the regulations in this Part 114–50 shall be included as part of the cost of a program or project for which Federal financial assistance is available to the State agency.

(a) The State agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other project or program costs, except that, notwithstanding any other law, where the Federal financial assistance is by grant or contribution, the administering Bureau or Office shall pay the first $25,000 of the cost to the State agency of providing the payments and assistance required by the regulations in this Part 114–50 on account of any acquisition or displacement occurring prior to July 1, 1972.

(b) In any case where the Federal financial assistance is by loan, the Bureau or Office shall loan the State agency the full amount of the first $25,000 of such cost.

(c) No payment or assistance under section 210 or 305 shall be required or included as a program or project cost under this § 114–50.1008 if the displaced person receives a payment required by State law of eminent domain which is determined by the Bureau or Office to have substantially the same purpose and effect as would a payment under this paragraph, and to be part of the cost of the program or project for which Federal financial assistance is available.

(d) Bureaus and Offices may advance to a State agency the Federal share of the cost of any payments or assistance by the State agency pursuant to sections 206, 210, 215, and 305 of the Act, when they determine that such action is necessary for the expeditious completion of a program or project.

§ 114–50.1009 Relocation assistance programs.

State agencies receiving Federal financial assistance on a project which will result in the displacement of persons, shall provide relocation assistance advisory services to the displaced persons in accordance with the provisions of Subpart 114–50.4 of this part.

§ 114–50.1010 Effective date.

Except as provided in paragraphs (a) and (b) of this section, the Act and the amendments made by the Act are effective January 2, 1971, the date of enactment.

(a) Until July 1, 1972, sections 210 and 305 of the Act shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. After July 1, 1972, such sections shall be completely applicable to all States.

(b) The repeals made by paragraphs (4), (5), (6), (8), (9), (10), (11), and (12) of sections 220(a) and 306 of the Act shall not apply to any State so long as sections 210 and 305 of the Act are not applicable in such State.

§ 114–50.1011 Appeal procedure.

Prior to approving any federally assisted project, heads of Bureaus and Offices administering federally assisted programs or projects which will result in the displacement of persons shall require the State agency to furnish a description of the appeal procedures that are available to such displaced persons, to assure that any person aggrieved by a determination as to eligibility for a payment authorized by the act or the amount of a payment, may have his application reviewed by the head of the State agency.

Subpart 114–50.11—Administrative Review and Appeals

§ 114–50.1100 Compliance reviews.

The head of each Bureau or Office engaged in Federal or federally assisted programs which involve the acquisition of real property and/or the displacement of persons shall provide for such periodic review of the operations at regional and other field office levels as he deems necessary to insure proper implementation of, and full compliance with, the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and the regulations in this Part 114–50.

§ 114–50.1101 Appeals.

All eligible relocatees shall be furnished a written notice of their right to appeal. Such notification may be provided by brochure if the right to appeal is adequately described therein.

§ 114–50.1101–1 Appeal procedure.

In Federal acquisition programs any dispute concerning a question arising under the act which is not disposed of by agreement shall be decided by the head of the Bureau or Office who shall reduce his decision to writing and mail a copy thereof to the displaced person. This decision shall be final and conclusive unless, within 30 days from date of mailing of such copy, the displaced person mails a written appeal addressed to the Director, Office of Hearings and Appeals, Department of the Interior, Washington, D.C., in accordance with the regulations in 43 CFR Part 4, Subpart G. The decision of the Office of Hearings and Appeals, shall be final and conclusive. In connection with any appeal to the Office of Hearings and Appeals, the displaced person may be afforded an opportunity to be heard and to offer evidence in support of his appeal, as provided for in 43 CFR Part 4, Subpart G.

Subpart 114–50.12—Annual Report

§ 114–50.1200 General.

Each Bureau and Office having responsibilities for Federal or federally assisted programs that come within the purview of Public Law 91–646 shall prepare and submit an annual report to the Assistant Secretary-Management and Budget on its activities related to programs and policies established or authorized by the Act. This report, which is required by section 214 of the Act, shall consist of both a narrative and statistical report.

§ 114–50.1200–1 Narrative report.

The narrative portion of the report should be consolidated for the Bureau and submitted, in duplicate, in the form of an attachment to a transmittal memorandum. It shall respond to each of the items set out in the following subparagraphs as the item pertains to your Bureau. Narrative comments should be furnished for all items. If an item is not applicable to your Bureau, or if a negative response pertains to a particular item, your report should so indicate.

(a) *Assurance of required replacement housing.* (1) Each Bureau or Office should comment on the effectiveness of the provisions of the Act relating to assurances of the availability of comparable decent, safe, and sanitary replacement housing for displaced homeowners and tenants.

(2) Describe the actions taken by the Bureau or Office to assure compliance with the requirements of sections 205(c)(3), 206(b), and 210(3).

(3) Provide information on all court decisions affecting the Bureau or Office which concern the adequacy of replacement housing.

(b) *Bureau or Office actions to achieve objectives of the Act.* (1) Describe the actions taken by the Bureau or Office to achieve the objectives of the policies of the Congress to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by or having real property taken for Federal or federally assisted programs.

(2) Describe the positive action plans undertaken by the Bureau or Office to achieve the objectives of the Act, such as the preparation and promulgation of implementing regulations, and the review of other agency regulations.

(3) Describe the staffing and training performed and projections of staffing requirements and training programs required for the continuous administration of required services under the Act at the Federal, State, city, and county levels, as appropriate.

(4) Describe the provisions adopted by the Bureau or Office for coordination with other Federal, State and local displacing agencies.

(c) *Progress in achieving objectives of the Act.* Report the progress of the Bureau or Office in the various programs conducted or administered, indicating:

(1) The success in coordinating Bureau or Office relocation activities with other Federal, State, and local agencies.

(2) Bureau or Office experience and the cost of utilization of section 206(a) authority to provide replacement housing, citing difficulties, if any, in obtaining funds for this purpose and the impact on specific projects.

(3) Bureau or Office experience and cost of implementing section 215, concerning loans for planning and obtaining federally insured mortgage financing for replacement housing.

(4) For federally assisted programs administered by your Bureau or Office, enumerate the States in compliance with the Act on the reporting date. If compliance by any State does not extend to any or all federally assisted programs conducted or administered by the Bureau or Office, the programs excepted should be indicated and an explanation furnished for the basis of the State's inability to comply. In all such instances, indicate the expected date for full compliance by the State.

(5) Describe adverse effects of the Act, if any, on programs conducted by the Bureau or Office.

(d) *Effect of Act on the public.* (1) Describe any indicated effects of the relocation program and policies on the public, reporting conclusions obtained from surveys, special studies, and other sources relating to the effects of implementation of the Act on a neighborhood or community.

(2) Include newspaper or other published articles dealing with the activities of your Bureau or Office in relocation programs and written and oral comments to the Bureau or Office by elected officials and public interest groups, which in the judgment of the Bureau or Office describe effects of the Act on the public.

(e) *Recommendations.* Furnish your recommendations for further improvement in relocation assistance and land acquisition programs, policies, and implementing laws and regulations. Include any proposals for amendments or revisions to:

(1) Office of Management and Budget Circular No. A–103.

(2) Regulations of agencies outside the Department of the Interior.

(3) Federal legislation.

(4) State legislation.

(f) *Bureau or Office regulations.* Report the date regulations were published in the FEDERAL REGISTER by the Bureau or Office.

(g) *Waiver of assurances of replacement housing.* Describe any situations or circumstances which required a waiver of assurance of replacement housing pursuant to subsection 205(c)(3). For any waivers reported, submit the Bureau or Office findings and the determination supporting waiver of the requirements of the subsection.

§ 114–50.1200–2 Statistical report.

The statistical portion of the report shall be submitted in the format of Exhibits 1 and 2 of this subpart. The exhibits should be consolidated for the Bureau and submitted in duplicate. Those Bureaus administering both Federal and federally assisted programs shall submit separate consolidated exhibits for such programs.

§ 114–50.1200–3 Submission.

The annual report shall be prepared on a fiscal year basis and submitted, in duplicate to reach the Assistant Secretary-Management and Budget by not later than September 1 of each year.

APPENDIX 1
Subpart 114-50.12

AGENCY:_____

PROGRAM:_____

UNIFORM RELOCATION AND REAL PROPERTY ACQUISITION ACT OF 1970, FY 19__
PAYMENTS & EXPENSES UNDER TITLE II

▱ FEDERAL PROGRAM
▱ FEDERALLY ASSISTED PROGRAM

PART I

	SUMMARY – FISCAL YEAR 19__					PROJECTED FUND REQUIREMENTS			
	NUMBER OF CLAIMS PAID (1)	AMOUNT PAID (2)	AVERAGE PMT. PER CLAIM: COL 2 ÷ COL 1 (3)	TOTAL AMT. PAID FROM FEDERAL FUNDS (4)	TOTAL AMT. PD. CONTRIBUTED NON-FEDERAL FUNDS (5)	FOR FISCAL YR 19__		FOR FISCAL YR 19__	
						FEDERAL FUNDS (6)	CONTRIBUTED NON-FED FD (7)	FEDERAL FUNDS (8)	CONTRIBUTED NON-FED FD (9)
MOVING AND RELATED EXPENSE (SEC. 202) OR PAYMENT FOR ACTUAL MOVING EXPENSE (SEC 202a) Persons Displaced From:									
1 Dwellings									
2 Businesses									
3 Farms									
4 Non-Profit Organizations									
OR PAYMENT FOR MOVING EXPENSE BASED ON FIXED SCHEDULE INCLUDING DISLOCATION ALLOWANCE (202b) Persons Displaced From:									
5 Dwellings									
OR IN-LIEU PAYMENT FOR MOVING EXPENSE (SEC 202c) Persons Displaced From:									
6 Businesses									
7 Farms									
8 Non-Profit Organizations									
TOTAL (Sum of lines 1-8)									
EXPENSE FOR SEARCH FOR REPLACEMENT (202a(3)									
9 *Business									
10 *Farm									
11 *Non-Profit Organization									
TOTAL (Sum of lines 9,11)									

*Amounts shown for lines 9, 10 and 11 are included in amounts shown on lines 2, 3 and 4 above.

APPENDIX 1 (Cont'd.)
Subpart 114-50.12

AGENCY:_____
PROGRAM:_____

UNIFORM RELOCATION AND REAL PROPERTY ACQUISITION
ACT OF 1970, FY 19__
PAYMENTS & EXPENSES UNDER TITLE II

☐ FEDERAL PROGRAM
☐ FEDERALLY ASSISTED PROGRAM

PART I (continued) — SUMMARY - FISCAL YEAR 19__

	NUMBER OF CLAIMS PAID (1)	AMOUNT PAID (2)	AVERAGE PMT. PER CLAIM: COL 2 ÷ COL 1 (3)	TOTAL AMT. PAID FROM FEDERAL FUNDS (4)	TOTAL AMT. PD. CONTRIBUTED NON-FEDERAL FUNDS (5)	PROJECTED FUND REQUIREMENTS FOR FISCAL YR 19__ FEDERAL FUNDS	FOR FISCAL YR 19__ CONTRIBUTED NON-FED FD	FOR FISCAL YR 19__ FEDERAL FUNDS	CONTRIBUTED NON-FED FD
REPLACEMENT HOUSING FOR HOMEOWNER (203)									
12 Payment For Comparable Replacement Housing (203a(1)(A))									
13 Payment For Increased Interest (203a(1)(B))									
14 Payment For Closing Costs (203a(1)(C))									
TOTAL (Sum of lines 12-14)									
REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS (204)									
15 Rental Payments (204 (1))									
16 Down Payments (204 (2)) (Incl. closing costs)									
TOTAL (Sum of lines 15 & 16)									
TOTAL (Sum of lines 1-8 and 12-16)									
RELOCATION ADVISORY SERVICES (205)									
17 Cost Of Services (205)									
18 Other Administrative Costs (As applicable) (Total Cost Of Amd. Prog)									
TOTAL (Sum of lines 17 & 18)									
19 GRAND TOTAL-TITLE II (Lines 1-8 and 12-18)									

APPENDIX 1 (Cont'd.)
Subpart 114-50.12

AGENCY:_____
PROGRAM:_____

UNIFORM RELOCATION AND REAL PROPERTY ACQUISITION
ACT OF 1970, FY 19__
PAYMENTS & EXPENSES UNDER TITLE II

☐ FEDERAL PROGRAM
☐ FEDERALLY ASSISTED PROGRAM

PART II — RANGE OF PAYMENTS TO HOMEOWNERS, TENANTS AND CERTAIN OTHERS FY 19__

REPLACEMENT HOUSING FOR HOMEOWNERS

ACTUAL PAYMENTS FOR COMPARABLE REPLACEMENT HOUSING

RANGE:	NO. OF CLAIMS PAID
0 - 2,500	
2,501 - 5,000	
5,001 - 7,500	
7,501 - 10,000	
10,001 - 12,500	
12,501 - 15,000	
TOTAL	

REPLACEMENT HOUSING FOR TENANTS & CERTAIN OTHERS

TOTAL RENTAL CLAIMS APPROVED

RANGE:	NO. OF CLAIMS
$ 0 - 500	
501 - 1,000	
1,001 - 2,000	
2,001 - 3,000	
3,001 - 4,000	
TOTAL	

ACTUAL DOWN PAYMENTS

RANGE:	NO. OF CLAIMS PAID
$ 0 - 1,000	
1,001 - 2,000	
2,001 - 3,000	
3,001 - 4,000	
TOTAL	

PART III — RESIDENTIAL RELOCATION DISPLACEMENT STATISTICS

*CLAIMANTS DISPLACED DURING FY__

	Negro/ Black		Spanish Surnamed		American Indian		Asian American/ Oriental		All Others		Total All Groups	
	Owner	Tenant	Owner	Tenant	Owner	Tenant	Owner	Tenant	Owner	Tenant	Owner	Tenant
UNDER AGE 62												
62 AND OVER												
TOTAL												

**PEOPLE DISPLACED DURING FY__

	Negro/ Black	Spanish Surnamed	American Indian	Asian American/ Oriental	All Others	Total All Groups
TOTAL						

*Total shown should equal the total number of claims paid reported on lines 1 and 5, Exhibit 1, Part I
**Report total number of people displaced.
Note: Under "Spanish Surnamed" include persons of Puerto Rican, Mexican American, Cuban, Central or South American, or other Spanish descent. Under "Asian American/Oriental" include Chinese, Japanese and Korean. Under "All Others" include white persons not of Spanish descent.

APPENDIX 2
Subpart 114-50.12

AGENCY: _____

PROGRAM: _____

UNIFORM REAL PROPERTY ACQUISITION POLICY - TITLE III

☐ FEDERAL PROGRAM
☐ FEDERALLY ASSISTED PROGRAM

PART I LAND ACQUISITION (301)	NO. OF TRACTS	% OF TOTAL
1/ 1. ACQUIRED BY NEGOTIATION		3/
2/ 2. ACQUIRED BY CONDEMNATION		4/
3. TOTAL (SUM OF LINES 1&2)		100%

PART II TRACTS FOR WHICH FINAL SETTLEMENTS WERE COMPLETED	NUMBER OF TRACTS	APPRAISED VALUE	OPTION/ AWARD PAID	% OVER APPRAISAL	TOTAL AMOUNT PAID FROM FEDERAL FUNDS	TOTAL AMOUNT CONTRIBUTED NON-FEDERAL FUNDS
NEGOTIATED:						
1. a. At Appraised Value				XXXXX		
2. b. Over Appraised Value.				5/		
TOTAL (Sum of Lines 1&2)				XXXXX		
CONDEMNED:						
3. a. Awards at Appraised Value				XXXXX		
4. b. Award over Appraised Val.				5/		
TOTAL (Sum of Lines 3&4)				XXXXX		
TOTAL SETTLEMENTS (Sum of Lines 1 thru 4)				XXXXX		

PART III INCIDENTAL EXPENSES (303 & 304)	NUMBER OF TRACTS	AMOUNT PAID	Fed. Funds	Non-Fed Funds
1. RECORDING FEES, TRANSFER TAXES PENALTY COSTS & R.E. TAXES (303)				
2. LITIGATION EXPENSES (304)				
TOTAL (Sum of Lines 1&2)				

NOTES:

1/ Negotiated tracts include all tracts acquired by any method other than condemnation for reason of price disagreement.

2/ Include only tracts condemned because of price disagreement.

3/ Divide tracts shown on Line 1 by tracts shown on Line 3.

4/ Divide tracts shown on Line 2 by tracts shown on Line 3.

5/ Divide amount of appraised value by amount of option or award.

[FR Doc.72-14429 Filed 8-25-72;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

SHELLED PECANS [1]

Standards for Grades

Notice is hereby given that the U.S. Department of Agriculture is considering the amendment of U.S. Standards for Grades of Shelled Pecans (7 CFR 51.1430–51.1451). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than October 1, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

Statement of considerations leading to the proposed amendment of the grade standards. The U.S. Standards for Grades of Shelled Pecans were last revised effective July 15, 1969.

In 1971, representatives of the Federated Pecan Growers' Association and members of the National Pecan Shellers' and Processors' Association formally requested the revision of the shelled pecan standards. They indicated that certain grade tolerances are too restrictive and pose a financial hardship on packers trying to conform with grade requirements. It was suggested that four tolerances be increased to alleviate the hardship and bring the standards in line with current industry practices.

In March 1972, the Department prepared a draft for discussion to determine the desirability of proposing a revision of the shelled pecan standards. Included in the draft were recommendations, made by the two above associations, for changes needed in the standards. The draft received wide industry distribution and encouraged readers to submit their views and comments. A 45-day period was provided for submission of comments concerning the study draft. Only three comments were received and there was no disapproval of the recommended changes in the standards.

The proposed amendment of the standards would revise § 51.1439 by increasing the tolerances for the following factors as indicated:

Factor	Grades	Present tolerance percent	Proposed tolerance percent
Shell, center wall and foreign material.	U.S. No. 1	0.05	(1)
Kernel skin color	do	3.00	4.00
Remaining kernel requirements.	do	3.00	4.00
	U.S. Commercial.	8.00	10.00
Defects causing serious damage.	U.S. No. 1	0.50	1.00
	U.S. Commercial.	1.00	1.50

[1] 0.15 percent, but not more than 0.05 percent for pieces of shell and foreign material.

Also, a new § 51.1451 relating to optional determination of kernel moisture content would be added. Moisture content would not be a requirement of any grade but could be specified in connection with a grade.

A study to determine the efficiency of various moisture testing devices in deter-

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

mining the moisture content of pecan kernels is in the planning stages.

As proposed to be amended, § 51.1439 is set forth below:

TOLERANCES FOR DEFECTS

§ 51.1439 Tolerances for defects.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by weight, are provided as specified:

(a) U.S. No. 1 Halves, U.S. No. 1 Halves and Pieces, and U.S. No. 1 Pieces grades:

(1) 0.15 percent for shell, center wall and foreign material: *Provided*, That not more than 0.05 percent shall be allowed for pieces of shell and foreign material.

(2) 4.00 percent for portions of kernels which are "dark amber" or darker color, or darker than any specified lighter color classification but which are not otherwise defective; and,

(3) 4.00 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 1.00 percent for defects causing serious damage: *Provided*, That any unused portion of this tolerance may be applied to increase the tolerance for kernels which are "dark amber" or darker color, or darker than any specified lighter color classification.

(b) U.S. Commercial Halves, U.S. Commercial Halves and Pieces, and U.S. Commercial Pieces grades:

(1) 0.15 percent for shell, center wall and foreign material;

(2) 25 percent for portions of kernels which are "dark amber" or darker color, or darker than any specified lighter color classification, but which are not otherwise defective; and,

(3) 10.00 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 1.50 percent for defects causing serious damage.

As proposed to be added, § 51.1451 is set forth below:

MOISTURE CONTENT

§ 51.1451 Moisture content.

Moisture content of pecan kernels is not a requirement of these standards. Moisture content may be specified and the moisture determination made in connection with any of the grades for shelled pecans or as a separate specification and determination. Kernels used for moisture determination shall be taken from a composite sample drawn throughout the lot and all shells, center wall and other non-kernel material removed. The air-oven or other methods, or devices which give equivalent results, shall be used for moisture content determination.

The present § 51.1451, Metric Conversion Table, would be renumbered § 51.1452 and corresponding changes made in the table of contents.

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

Dated: August 23, 1972.

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

[FR Doc.72-14588 Filed 8-25-72;8:52 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL ELECTRIFICATION PROGRAM

Electric Distribution Borrowers Financial and Statistical Reports

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.) REA proposes to revise REA Bulletin 108–1, Electric Distribution Borrowers' Financial and Statistical Reports. On issuance of the revised bulletin, Appendix A to Part 1701 will be revised accordingly.

Persons interested in the provisions of the revised Bulletin 108–1, may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250 not later than thirty (30) days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the bulletin and related forms may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

A summary of the changes proposed in the revision of Bulletin 108–1 is as follows:

REA FORMS 7 AND 7A

1. Revised to conform to the revised FPC System of Accounts on which the REA Uniform System of Accounts is based and which became effective January 1, 1972.

2. To rearrange and retitle some sections and lines for clarification and better spacing.

3. To provide uniformity in nomenclature, such as using the term Utility Plant throughout instead of Electric Plant in some places and Utility Plant in others.

4. A new item, Total Number of Security Lights and the Most Common Monthly Charge for Security Lights has been added to Part D, Form 7.

5. A new section, Maintenance, Renewal and Replacement Calculation, has been added as Part R of Form 7a to provide a procedure for the borrower to determine these expenses and ratios in conformity with new mortgage requirements.

6. Part B of Form 7a has been revised to reflect changes and balances in Accumulated Provision for Depreciation and Amortization by type of plant.

7. The reporting requirements on purchased power data and monthly kw. demand and kw.-hr. have been substantially reduced. These data are to be reported annually rather than on a monthly basis as has been done in the past, thus reducing Form 7 from three pages to two and increasing Form 7a from a four- to a five-page report.

Wholesale power bills formerly required to be submitted with Form 7 will no longer be required.

REA borrowers having loans from the National Rural Utilities Cooperative Finance Corporation (CFC) or other supplementary lenders will be required to submit one copy of each report to such supplemental lenders.

Dated: August 22, 1972.

E. C. WEITZELL,
Acting Administrator.

[FR Doc.72-14555 Filed 8-25-72;8:49 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Part 60–10]

CAMDEN, N.J., AREA

Federal and Federally Assisted Construction; Equal Employment Opportunity

Notice is hereby given that pursuant to Executive Order 11246 (30 F.R. 12319), as amended by Executive Order 11375 (32 F.R. 14303), the Department of Labor proposes to add to the Code of Federal Regulations a new Part 60–10 to read as set forth below.

This proposed rule making concerns matters relating to public contracts. While public participation in this rule making is not required by 5 U.S.C. 553, the Department wishes to invite written comments, suggestions, or objections regarding this proposed amendment. Accordingly, interested persons are invited to submit written comments regarding the proposed rules to Philip Davis, Acting Deputy Assistant Secretary for Employment Standards, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, within 30 days of publication of this notice in the FEDERAL REGISTER.

Therefore, and pursuant to Executive Order 11246 (30 F.R. 12319, 3 CFR 1964–65, Comp., p. 406) and §§ 60–1.1 and 60–1.40 of Title 41 of the Code of Federal Regulations, Chapter 60 of these regulations is to be hereby amended by adding a new Part 60–10 to read as set forth below.

PART 60–10—CAMDEN PLAN

Subpart A—Purpose; Applicability; Background

Sec.
60–10.1 Purpose.
60–10.2 Applicability.
60–10.3 Background.

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force

60–10.10 General findings.
60–10.11 Minority participation in the specified trades.
60–10.12 Availability of minority group persons for employment.
60–10.13 Need for training.

Sec.

AUTHORITY: The provisions of this Part 60–10 are issued under sections 201, 202, 205, 211, 301, and 303 of Executive Order 11246 (30 F.R. 12319, 3 CFR 1964–65 Comp., p. 406) and §§ 60–1.1 and 60–1.40 of Title 41 of the Code of Federal Regulations.

Subpart A—Purpose; Applicability; Background

§ 60–10.1 Purpose.

The purpose of these regulations is to implement the provisions of Executive Order 11246, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors and federally assisted construction contractors and subcontractors in the Camden, N.J., area.

§ 60–10.2 Applicability.

While a contractor or subcontractor is performing on federally involved (Federal or federally assisted) construction contracts for projects, in the three-county Camden, N.J., area of Camden, Salem, and Gloucester Counties (hereinafter referred to as the Camden area), the estimated cost of which exceeds $500,000, all construction activities (including all activities on nonfederally involved work) of such a contractor or subcontractor within the Camden area shall be subject to the requirements of these regulations: *Provided, however,* That if an areawide agreement is developed for any trade covered by these regulations or any such trade is covered by a multitrade agreement, then the Office of Federal Contract Compliance (OFCC) may, in its complete discretion, accept such program in lieu of any or all of the requirements of these regulations, subject to such terms and conditions as OFCC may specify.

§ 60–10.3 Background.

Public hearings were conducted by representatives of the Department of Labor in Trenton, N.J., on October 27 through October 29, 1971, to determine what action should be taken to insure equal employment opportunity in the construction industry in the Camden and Trenton, N.J., areas. Testimony was heard and data received on the following:

(a) The current extent of minority group participation in the construction trades as journeymen, apprentices, trainees, and helpers;

(b) The effectiveness of present employee recruitment methods;

(c) The availability of qualified and qualifiable minority group persons for employment in each construction trade, including where they are now working, how they may be brought into the trades;

(d) The effectiveness of existing training programs in the area, including the number of minorities and others recruited into the programs, the number who complete training, the length and extent of training, employer experience with trainees, the need for additional or expanded training programs;

(e) The number of additional workers that could be absorbed into each trade without displacing present employees, including consideration of present employee shortages, projected growth of the trade, projected employee turnover;

(f) The availability and utilization of minority contractors on federally involved contracts;

(g) The desirability and extent, including the geographical scope, of possible Federal action to insure equal employment opportunity in the construction trades;

(h) Recommendations of governmental compliance agencies active in the Camden and Trenton, N.J., area.

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force

§ 60–10.10 General findings.

As a result of the material presented at the public hearings in Trenton and other investigations conducted by representatives of the State of New Jersey and the U.S. Department of Labor, the Department has determined that the problems of minority underutilization should be separately addressed in light of the hometown agreement reached in Trenton, and the inability of the contractors, unions, and minority community representatives in Camden to reach a similar accord. Continued analysis of data obtained by the Department of Labor relating to the progress in employment of minorities in the Camden area reveals that minority workers (Negroes, Spanish surnamed Americans, orientals, and American Indians) continue to be denied full participation in certain construction trades, necessitating action on a broad scale. This underutilization of minorities is due in substantial measure to the unique nature of employment practices in the construction industry where contractors and subcontractors rely on construction craft unions as their prime or sole labor source. Collective-bargaining agreements and/or established custom and usage between construction contractors and subcontractors and labor organizations frequently provide for, or result in, exclusive hiring halls. Even where the collective-bargaining agreement contains no such hiring hall provisions or the custom is not rigid, as a practical matter, most people working in these classifications are referred to the jobs by such labor organizations. As a result, referral by the labor organization is a virtual necessity for obtaining meaningful employment in union construction projects. Minorities often have not gained admittance into membership of certain unions and into certain apprenticeship programs, and, consequently, for these and other reasons, have not been referred for employment.

§ 60–10.11 Minority participation in the specified trades.

The overall nonwhite minority population in the Camden area is approximately 22.0 percent, 101,000 of 456,000 persons. These figures are, however, conservative in that the census data, upon which these figures are based tend to include Spanish-surnamed persons as white rather than minority without indicating the number of persons so classified. It is generally known that the Camden area contains a substantial Spanish-surnamed population.

(a) *Statistical data.* The most reliable data developed at the hearings reveal the following as the current minority representation as journeymen in unions in selected trades, for the Camden area:

	Percent
Bricklayers	9.0
Carpenters	4.0
Cement masons	0.0
Electricians	2.3
Operating engineers	0.0
Painters	0.8
Plumbers/Pipefitters/Steamfitters	0.0
Structural metal workers	3.3

It is apparent from the foregoing that the skilled trades evidence a significant underutilization of minority employees.

§ 60–10.12 Availability of minority group persons for employment.

(a) *Population.* (1) The 1970 population estimate of the Camden area as found by the U.S. Census Bureau was 456,000 and includes a minority constituency of 101,000 or approximately 22 percent. The minority population of Salem and Gloucester Counties are very low.

(2) The total labor force in the Camden area is approximately 310,000. However, minorities represent over 4,500 or 13.1 percent of the unemployed in Camden County, and 400, or 11.4 percent of the unemployed in Salem County.

(b) *Training programs—showing of interest.* (1) Although the hearing panel found that minorities have been and continue to be seriously underrepresented in certain construction trades and trade unions, this is not due to any lack of available qualifiable Negro and other minority applicants in the Camden area.

(2) Rather, the panel's analysis of all available data reveals that existing contractor and union recruitment efforts fall far short of the type of affirmative action which would bring substantial numbers of available minorities into the construction trades.

(3) Potentially available minorities currently registered with local employment offices for employment in 14 of the construction trades total 176. This figure includes 106 skilled workers and 70 laborers and helpers. The specific figures for some selected trades are:

Sheetmetal workers	9
Electricians	5
Plumbers and plumber helpers	20
Roofers and roofer helpers	30
Carpenters and carpenter helpers	32
Cement masons and cement mason helpers	24

There are presently 150 minorities registered with the Apprenticeship Information Center, for training in the construction trades. There are, additionally, 12 minorities enrolled with Opportunities Industrialization Center (OIC), 325 with the Apprenticeship Outreach Program, 10 with the Manpower Development and Training Act (MDTA), in Camden, and three with the MDTA Program in Salem County. Thus, the total minority registration and/or participation in currently operational training programs, not including vocational school programs, is 500 persons.

(c) *Community involvement.* Testimony presented at the hearings revealed, and it has consistently been the Department's experience, that the effectiveness of efforts to recruit minority trainees and workers depends in large measure upon the active involvement of minority organizations in the community. Various representatives of minority organizations indicated that they would have little, if any, difficulty in recruiting minority workers for training and jobs in sufficient numbers to meet the manpower needs of the Camden area construction industry.

(d) *Minority subcontractors.* Information gained at the hearing indicated, and it is found, that a number of minority subcontractors are operating effectively within the Camden area. Utilization of these subcontractors, particularly by nonminority contractors, could significantly expand the participation of minority craftsmen on projects of federally involved construction contractors.

§ 60–10.13 Need for training.

(a) *Existing programs.* A readily available source of minority manpower most of whom could be utilized in the skilled trades with skills refinement training only may be found in the number of minority laborers currently in labor unions having jurisdiction in the Camden area. This figure is currently placed at 875.

(b) *Trainable persons.* It is found and determined that a substantial number of minority persons can receive training annually in the Camden area through existing programs with additional funding. The Manpower Administration of the Department of Labor is committed to make available such funds as may be necessary to carry out reasonable and effective training programs in furtherance of the objectives of these regulations and consistent with the policies and standards of the Manpower Administration as amplified in the President's statement of March 17, 1970, directing a 50 percent increase in construction skills training over the next 5 years.

§ 60–10.14 The impact of the plan upon the existing labor force.

(a) *Contractors' commitments.* It has been found and determined, that a contractor covered by these regulations, could commit himself to minority hiring at least up to the annual rate of job vacancies in his respective trade, without adversely affecting the existing labor force or displacing any incumbents. Data presented at the hearings revealed that the total additional manpower requirements of the primary construction trades for the period 1972–76, are conservatively estimated at approximately 3,136 new jobs, and replacement job opportunities for a yearly average in excess of 626. The annual number of new job openings per craft for selected trades is as follows:

Trade	Annual Number of Job Openings
Electricians	61
Sheetmetal workers	27
Structural metal workers	48
Carpenters	103
Plumbers/Pipefitters/Steamfitters	74
Bricklayers/Plasterers	37
Cement masons	14
Painters/Decorators/Paperhangers	54

These projections are not inconsistent with conservative national statistics which reveal that approximately 7.5 percent of construction trade workers are replaced each year due to death, retirement, disability, and outmigration.

(b) *Timetable.* In an effort to provide an affirmative action program and practical ranges for the utilization of minority manpower which can be met by employers in hiring productive, qualified, and qualifiable minority craftsmen, these ranges should be developed to cover an extended period of time. Testimony at the hearing indicated that a 4-year duration for the plan is proper as the greatest need for additional manpower in the industry will take place during the first part of the decade. Therefore, it is found and determined that in order for these regulations to effect equal employment to the fullest extent, the standards of minority utilization should be determined for the next 4 years.

§ 60–10.15 Conclusion of findings.

(a) *Current minority participation.* It is found in the Camden area work force data submitted at the public hearings, that minority representation in the construction industry in general is almost exclusively in the least remunerative jobs while most of the highly skilled and most remunerative trades in the same area and industry have an insignificant number of minority representatives, e.g., electricians, 2.3 percent, sheetmetal workers, 3.3 percent, plumbers and pipefitters, 0.0 percent etc. Thus, it appears that the most skilled and most remunerative trades have a level of minority representation far below that which should have resulted from meaningful past participation in the industry without regard to race, color, or national origin. Therefore, it is determined that these rules are necessary to provide for minority participation in the following trades:

Asbestos workers.
Boilermakers.
Bricklayers.
Carpenters.
Cement masons.
Electricians.
Elevator constructors.
Glaziers.
Lathers.
Operating engineers.
Painters/decorators/paperhangers.
Plasterers.
Plumbers/pipefitters/steamfitters.
Roofers.
Sheetmetal workers.
Sprinkler fitters.
Structural metal workers.
Wharf and dock builders.

(b) *Effect of plan.* A construction contractor working in the Camden area could increase the minority participation in his trade significantly by hiring only minorities to fill new job openings (attrition plus growth). However, to do so would inevitably result in the exclusion of qualified nonminorities from such job opportunities. Based upon the fact that the minority population in the Camden area is approximately 22 percent of the total population, upon the fact that the minority unemployment rate in the Camden area is substantially greater than that of nonminority unemployment, upon the fact that there exists substantial minority underemployment in the area and upon the further fact that significant and effective training programs now exist, it may be reasonably expected that in the filling of new and vacant jobs, effective affirmative action efforts should produce at least one minority applicant for each nonminority applicant for effective construction employment.

(c) *Increased minority participation.* If new and vacated positions in only the trades covered by these rules totaling approximately 3,136 through 1976 were filled by one minority worker for each nonminority worker, the resultant increased minority participation in those trades alone through June 1976 would be approximately 1,568 workers. On the basis of the findings indicated above, it is estimated that in excess of 670 minority persons may presently be considered available to fill such jobs, many of whom possess some degree of training. Within the anticipated increase in those who should be available over the next 4 years, it appears that more than sufficient numbers of minority workers will be available to effectively fill new and vacated construction trade positions.

(d) *Purpose of ranges.* By establishing ranges which anticipate good faith efforts by construction contractors to fill new and vacated jobs on at least a 1-to-1 minority-to-nonminority basis through June 1976, contractors may recruit from available minority manpower without displacing any existing craftsmen and without discriminating against any nonminority applicant for employment.

(e) *Evaluation and advisory recommendations.* The Department recognizes that the contractors, unions, and minority community, who must operate on a day-to-day basis under the requirements of these regulations, are in the best positions to evaluate the effectiveness of these regulations. Therefore, the Department shall make every effort to encourage and develop a voluntary committee representing these three groups, which committee shall periodically review the effectiveness of these regulations and make advisory recommendations to the Department in this regard.

Subpart C—Nondiscriminatory Purpose of the Plan; Requirements; Exemptions; Effective Date

§ 60–10.20 Nondiscriminatory purpose of the plan.

The purpose of the contractor's commitment to specific goals is to meet the

contractor's affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee.

§ 60–10.21 Requirements.

After full consideration and in view of the foregoing, it is determined that:

(a) No contracts or subcontracts shall be awarded for Federal and federally assisted construction in the Camden, N.J., area on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, the document identified as Appendix A, notice of requirement for submission of affirmative action plan to insure equal employment opportunity or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all of his work (both Federal and non-Federal) within the Camden, N.J. area, during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established in Appendix A of these regulations. Such appendix is for all purposes a part of these regulations and shall be deemed a part of all contracts executed pursuant to these regulations. Minority manpower means, for the purposes of these rules, Negroes, Spanish surnamed Americans, orientals, and American Indians. The trades utilizing the following classifications of employees are covered by these rules:

Asbestos workers.
Boilermakers.
Bricklayers.
Carpenters.
Cement masons.
Electricians.
Elevator constructors.
Glaziers.
Lathers.
Operating engineers.
Painters/decorators/paperhangers.
Plasterers.
Plumbers/pipefitters/steamfitters.
Roofers.
Sheetmetal workers.
Sprinkler fitters.
Structural metal workers.
Wharf and dock builders.

(b) Each Federal agency shall include, or require the applicant to include, in the invitation for bids, or other solicitation used for a federally involved (Federal or federally assisted) construction contract, when the estimated total cost of the construction project exceeds $500,000, a notice stating that to be eligible for award, each bidder will be required to comply with Appendix A for the hereinbefore designated trades to be used during the term of the performance of the contract—whether or not the work is subcontracted. The form of such notice shall be substantially similar to such Appendix A.

§ 60–10.22 Exemptions.

Requests for exemptions from these regulations must be in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

§ 60–10.23 Effective date.

The provisions of this part will be effective with respect to transaction for which the invitations for bids or other solicitations for bids, or additions or amendments thereto, are sent on or after the publication of these regulations.

Subpart D—Appendix A

§ 60–10.30 Appendix A.

For inclusion in the invitation or other solicitation for bids for a federally involved construction contract in the Camden, N.J. area, when the estimated total cost of the construction project exceeds $500,000.

NOTICE OF REQUIREMENT FOR SUBMISSION OF AFFIRMATIVE ACTION PLAN TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

NOTICE

TO BE ELIGIBLE FOR AWARD OF THE CONTRACT, EACH BIDDER MUST FULLY COMPLY WITH THE REQUIREMENTS, TERMS AND CONDITIONS OF THIS APPENDIX A

The following are hereby sumitted by the undersigned bidder as its goals for minority manpower utilization ("minority" being Negro, Spanish surnamed American, Oriental and American Indian) to be achieved on all work of the bidder within the Camden, N.J. area during the terms of his performance of this contract in the trades specified below in conformity with the requirements, terms and conditions of this Appendix A as hereinafter set forth:

Trade	Total number of manhours to be worked by minority persons on all bidder's projects within the Camden area including on this contract, expressed in terms of a percentage of the total number of of manhours to be worked until June 30, 1973
Asbestos workers	
Boilermakers	
Bricklayers	
Carpenters	
Cement masons	
Electricians	
Elevator constructors	
Glaziers	
Lathers	
Operating engineers	
Painters/Decorators/Paperhangers	
Plasterers	
Plumbers/Pipefitters/Steamfitters	
Roofers	
Sheetmetal workers	
Sprinkler fitters	
Structural metal workers	
Wharf and dock builders	

Trade	Total number of manhours to be worked by minority persons on all Bidder's projects within the Camden area including on this Contract, expressed in terms of a percentage of the total number of manhours to be worked from July 1, 1973 until June 30, 1974
Asbestos workers	
Boilermakers	
Bricklayers	
Carpenters	
Cement masons	
Electricians	
Elevator constructors	
Glaziers	
Lathers	
Operating engineers	
Painters/Decorators/Paperhangers	
Plasterers	
Plumbers/Pipefitters/Steamfitters	
Roofers	
Sheetmetal workers	
Sprinkler fitters	
Structural metal workers	
Wharf and dock builders	

Trade	Total number of manhours to be worked by minority persons on all bidder's projects within the Camden area including on this contract, expressed in terms of a percentage of the total number of manhours to be worked from July 1, 1974 until June 30, 1975
Asbestos workers	
Boilermakers	
Bricklayers	
Carpenters	
Cement masons	
Electricians	
Elevator constructors	
Glaziers	
Lathers	
Operating engineers	
Painters/Decorators/Paperhangers	
Plasterers	
Plumbers/Pipefitters/Steamfitters	
Roofers	
Sheetmetal workers	
Sprinkler fitters	
Structural metal workers	
Wharf and dock builders	

Trade	Total number of manhours to be worked by minority persons on all bidder's projects within the Camden area including on this contract, expressed in terms of a percentage of the total number of manhours to be worked from July 1, 1975 until June 30, 1976
Asbestos workers	
Boilermakers	
Bricklayers	
Carpenters	
Cement masons	
Electricians	
Elevator constructors	
Glaziers	
Lathers	
Operating engineers	
Painters/Decorators/Paperhangers	
Plasterers	
Plumbers/Pipefitters/Steamfitters	
Roofers	
Sheetmetal workers	
Sprinkler fitters	
Structural metal workers	
Wharf and dock builders	

REQUIREMENTS, TERMS AND CONDITIONS

1. No contracts or subcontracts shall be awarded for Federal or federally assisted construction in the Camden, N.J. area on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, this document designated as Appendix A, or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all his work (both Federal and non-Federal) within the Camden, N.J. area during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established by this appendix in section 2 thereof. Minority manpower means, for the purposes of this appendix, Negroes, Spanish surnamed Americans, orientals and American Indians. The trades utilizing the following classifications of employees are covered by this appendix:

Asbestos workers.
Boilermakers.
Bricklayers.
Carpenters.
Cement masons.
Electricians.
Elevator constructors.
Glaziers.
Lathers.
Operating engineers.
Painters/Decorators/Paperhangers.
Plasterers.
Plumbers/Pipefitters/Steamfitters.
Roofers.
Sheetmetal workers.
Sprinkler fitters.
Structural metal workers.
Wharf and dock builders.

A bidder who fails or refuses to complete or submit such goals shall not be deemed a responsive bidder and may not be awarded the contract or subcontract, but such goals need be submitted only for those trades which the contractor contemplates to be used in the performance of the federally involved contract. In no case shall there by any negotiations over the provisions of the specific goals submitted by the bidder after the opening of bids and prior to the award of the contract.

2. The following ranges, constituting acceptable minimums within which a prospective contractor or subcontractor must establish his goals are hereby established as the standards for minority manpower utilization for each of the designated trades in the Camden, N.J. area for the next 4 years:

Trade	*Range of Minority Group Employment Until June 30, 1973 (percent)*
Asbestos workers	2.9– 5.8
Boilermakers	2.7– 5.4
Bricklayers	11.2–13.4
Carpenters	6.8– 7.6
Cement masons	3.0– 6.0
Electricians	5.2– 8.1
Elevator constructors	2.7– 5.4
Glaziers	4.0– 8.0
Lathers	2.7– 5.4
Operating engineers	2.5– 5.0
Painters/Decorators/Paperhangers	2.8– 4.8
Plasterers	11.0–13.0
Plumbers/Pipefitters/Steamfitters	2.1– 4.2
Roofers	2.1– 4.2
Sheetmetal workers	2.8– 5.6
Sprinkler fitters	2.7– 5.4
Structural metal workers	5.7– 8.1
Wharf and dock builders	2.7– 5.4

Trade	*Range of Minority Group Employment From July 1, 1973 Until June 30, 1974 (percent)*
Asbestos workers	5.8– 8.7
Boilermakers	5.4– 8.1
Bricklayers	13.4–15.6
Carpenters	7.6– 9.4
Cement masons	6.0– 9.0
Electricians	8.1–12.0
Elevator constructors	5.4– 8.1
Glaziers	8.0–12.0
Lathers	5.4– 8.1
Operating engineers	5.0– 7.5
Painters/Decorators/Paperhangers	4.8– 6.8
Plasterers	13.0–15.0
Plumbers/Pipefitters/Steamfitters	4.2– 6.3
Roofers	4.2– 6.3
Sheetmetal workers	5.6– 8.4
Sprinkler fitters	5.4– 8.1
Structural metal workers	8.1–10.5
Wharf and dock builders	5.4– 8.1

Trade	*Range of Minority Group Employment From July 1, 1974 Until June 30, 1975 (percent)*
Asbestos workers	8.7–11.6
Boilermakers	8.1–10.8
Bricklayers	15.6–17.8
Carpenters	9.4–11.2
Cement masons	9.0–12.0
Electricians	12.0–14.9
Elevator constructors	8.1–10.0
Glaziers	12.0–16.0
Lathers	8.1–10.8
Operating engineers	7.5–10.0
Painters/Decorators/Paperhangers	6.8– 8.8
Plasterers	15.0–17.0
Plumbers/Pipefitters/Steamfitters	6.3– 8.4
Roofers	6.3– 8.4
Sheetmetal workers	8.4–11.2
Sprinkler fitters	8.1–10.8
Structural metal workers	10.5–12.9
Wharf and dock builders	8.1–10.8

Trade	*Range of Minority Group Employment From July 1, 1975 Until June 30, 1976 (percent)*
Asbestos workers	11.6–14.5
Boilermakers	10.8–13.5
Bricklayers	17.8–20.0
Carpenters	11.2–13.0
Cement masons	12.0–15.0
Electricians	14.9–17.8
Elevator constructors	10.8–13.5
Glaziers	16.0–20.0
Lathers	10.8–13.5
Operating engineers	10.0–12.5
Painters/Decorators/Paperhangers	8.8–12.8
Plasterers	17.0–19.0
Plumbers/Pipefitters/Steamfitters	8.4–10.5
Roofers	8.4–10.5
Sheetmetal workers	11.2–14.0
Sprinkler fitters	10.8–13.5
Structural metal workers	12.9–15.3
Wharf and dock builders	10.8–13.5

After the first year of the program, the standards (trades and ranges) set forth herein shall be reviewed to determine whether the projections on which these standards are based adequately reflect the construction labor market situation at that time. Reductions or other significant fluctuations in federally involved construction shall be specifically reviewed from time to time as to their effect upon the practicality of the standards. In no event, however, shall the standards be increased or trades be added to the list of covered trades after bids have been received.

The contractor's or subcontractor's goals established within the above ranges shall express the contractor's or subcontractor's commitment to the percentage of minority personnel who will be working in each specified craft on each of his projects (whether federally involved or otherwise) within the Camden, N.J. area during the term of the covered contract.

The man-hours for minority workers must be substantially uniform throughout the entire length of the contract for each of the designated trades, to the effect that the percentage of minority workers in the designated trades must be working throughout the length of work on each project in each trade. The contractor or subcontractor shall be deemed to have met his commitment to specific goals for minority manpower utilization:

(a) If the minority manpower utilization rate of the contractor or subcontractor itself meets the goals on the total of all of the contractor's or subcontractor's facilities within the Camden area: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix, or

(b) If the contractor or subcontractor can establish that it is a member of a contractor's association or other employer organization or association, which has as one of its purposes the expanded utilization of minority manpower and the total utilization rate of minority craftsman by all member contractors and subcontractors of such an association or organization on all projects in which they are involved within the Camden area meets the contractor's or subcontractor's commitments: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix, or

(c) If the contractor or subcontractor can establish that it has a collective bargaining agreement with a labor organization, that it utilizes such organization as its source for over 80 percent of its manpower needs and (i) that the percentage total of minority membership of such organization and the total percentage of minorities referred for employment on all projects within the Camden area meets the contractor's or subcontractor's commitments or (ii) that such labor organization has made good faith efforts as described in 5 below in the referral of minorities for employment and the admission of minorities to membership: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix.

3. Whenever a contractor or subcontractor uses trades covered by this appendix which were not contemplated at the time of his bid and he therefore does not submit goals for such trades, he shall be deemed to be committed to the minority group employment goal of the minimum percentage range for that trade for the appropriate year.

In the event that under a contract subject to this appendix any work by a trade covered by this appendix is performed after June 30, 1976, the determined ranges of minority group employment for the year ending June 30, 1976, shall be applicable to such work.

4. The contractor's and subcontractor's commitment to specific goals is to meet affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the bidder's or contractor's attention that the goals are being used in a discriminatory manner, he shall immediately report that fact to the Office of Federal Contract Compliance of the U.S. Department of Labor in order that appropriate proceedings may be instituted.

5. The contractor's or subcontractor's (collectively hereinafter referred to as "contractor") commitment to specific goals for minority manpower utilization as required by this Appendix A shall constitute a commitment that it or the labor organization described in 2(c) above, will make every good faith effort to meet such goals. If the contractor has failed to meet his goals, a determination of "good faith" will be based upon his efforts or those of such labor union to broaden its recruitment base which efforts shall include but not be limited to the following as applicable:

(a) Notification to the community organizations that the contractor or union has employment opportunities available and maintenance of records regarding the organizations' response.

(b) Maintenance of a file of the names and addresses of each minority worker referred by the union or to the contractor and what action was taken with respect to each such referred worker. If such worker was not sent to the union hiring hall for referral or if such worker was not referred by the union or not employed by the contractor, the file should document this and the reasons therefor.

(c) The contractor shall promptly notify the OFCC area coordinator when the union or unions with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor or the contractor has other information that the union referral process has impeded him in his efforts to meet his goal.

(d) Participation in training programs in the area, especially those funded by the Department of Labor.

(e) Dissemination of the contractor's or union's EEO policy within the respective organizations as applicable, by including it in any policy manual; by publicizing it in company or union newspapers, annual report, etc.; by conducting meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority employees or members.

(f) Dissemination of its EEO policy externally by informing and discussing it with all recruitment sources; by advertising in news media, specifically including minority news media; and by notifying and discussing it with all contractors and subcontractors.

(g) Specific and constant personal (both written and oral) recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations, and minority training organizations, within the contractor's or union's recruitment area.

(h) Specific efforts to encourage present minority employees or members to recruit their friends and relatives.

(i) Validation of all man specifications, selection requirements, tests, etc.

(j) Making every effort to provide after-school, summer, and vacation employment to minority youths.

(k) Where reasonable, the development of on-the-job training opportunities and participation and assistance in any association or group training programs relevant to the contractor's or union's needs.

(l) Continuing inventory and evaluation of all minority personnel or members for promotional opportunities and encouragement of minority employees or members to seek such opportunities.

(m) Assuring that seniority practices, job classifications, etc., do not have a discriminatory effect.

(n) Assuring that all facilities and activities are nonsegregated.

(o) Continual monitoring of all personnel activities to insure that its EEO policy is being carried out.

(p) The contractor shall solicit bids for subcontracts from available minority subcontractors with the trades covered by this appendix, to the maximum extent practicable including circulation of minority contractor associations.

6. Each agency shall review contractors' and subcontractors' employment practices during the performance of the contract. If the contractor and subcontractor meets its goals or if the contractor or subcontractor can demonstrate that it has made every good faith effort to meet those goals, and is not otherwise violating any existing equal employment opportunity laws or regulations, the contractor shall be presumed to be in compliance with Executive Order 11246, the implementing regulations and its obligations under this appendix and no formal sanctions or proceedings leading toward sanctions shall be instituted unless the agency otherwise determines that the contractor or subcontractor is not providing equal employment opportunities. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and its obligations under its appendix, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and the regulations. When the agency proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of this appendix, but the contractor's failure to meet his goals shall shift to him the requirement to come forward with evidence to show that either he or his union, described in 2(c) above, has made every "good faith" effort (as described in 5 above) to meet such goals. Such noncompliance by the contractor or subcontractor shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246 and is therefore a "responsible prospective contractor" within the meaning of the Federal procedurement regulations.

7. Except as provided herein, it shall be no excuse that the union with which the contractor has a collective-bargaining agreement providing for exclusive referral failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective-bargaining agreement, is prohibited by the National Labor Relations Act, as amended, and title VII of the Civil Rights Act of 1964. It is the longstanding uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in federally involved contracts. To the extent they have delegated the responsibility for some of their employment practices to a labor organization which does not meet the criteria prescribed in 5 above and they are, thus, prevented from meeting the obligations pursuant to Executive Order 11246 (as amended), such contractors cannot be considered to be in compliance with Executive Order 11246 (as amended), or the implementing rules, regulations, and orders.

8. All prime contractors and subcontractors shall include in all bid invitations or other prebid communications, written or otherwise, with respect to their prospective subcontractors, the goals, as applicable, which are required under this appendix. Whenever a prime contractor or subcontractor subcontracts a portion of the work in any trade designated herein, he shall include in such subcontract his commitment made under this appendix, and reference to the provisions of paragraph 3, of this appendix, as applicable, which shall be adopted by his subcontractor, who shall be bound thereby and by this appendix to the full extent as if he were the prime contractor. The prime contractor shall not be accountable for the failure of his subcontractor to fulfill his requirements. However, the prime contractor or subcontractor shall give notice to the Area Coordinator of the Office of Federal Contract Compliance of the Department of Labor and the contracting agency of any refusal or failure of any subcontractor to fulfill his obligations under this appendix. Failure of compliance by any subcontractor will be treated in the same manner as such failure by the prime contractor.

9. Contractors and subcontractors must keep such records and file such reports relating to the provisions of this appendix as shall be required by the contracting or administering agency.

10. Nothing in this appendix shall be interpreted to diminish the responsibilities of the contracting and administering agencies nor the obligations of contractors or subcontractors pursuant to Executive Order 11246 for those trades and those contracts not covered by this appendix.

11. The procedures set forth in this appendix shall not apply to any contract when the head of the contracting or administering agency determines that such contract is essential to the national security and that its award without following such procedures is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within 30 days.

12. Nothing in this appendix shall be interpreted to diminish the present contract compliance review and complaint programs.

13. Requests for exemptions from this appendix must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

14. This appendix shall be signed in the space provided below.

(Bidder)

---------- By: ----------
(Date)

Signed at Washington, D.C., this 21st day of August 1972.

J. D. HODGSON,
Secretary of Labor.

R. J. GRUNEWALD,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Acting Director, Office of Federal Contract Compliance.

[FR Doc.72-14515 Filed 8-25-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 132, 273]

HUMAN BLOOD OR BLOOD PRODUCTS

Proposed Registration of Blood Banks, and Other Firms Collecting, Manufacturing, Preparing, or Processing

The Commissioner of Food and Drugs has surveyed the collection, processing, and distribution of human blood and blood products throughout the country, and has found that of the estimated 3,000–5,000 blood banks and blood collecting facilities in this country, only 165 are operating under a Federal license (comprising a total of 530 individual blood collection establishments) issued pursuant to section 351 of the Public Health Service Act, which allows them to ship human blood and blood products from one State to another for sale, barter, or exchange. The remaining blood banks and related facilities are operating on an intrastate basis and presently are not licensed under section 351 of the Public Health Service Act.

In 1962, Congress enacted section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) so as to provide for the registration and inspection of all establishments in which drugs are manufactured, prepared, propagated, compounded, or processed, regardless of whether the establishments in question engaged only in intrastate commerce in such drugs. Section 510(b) requires that each drug establishment register on an annual basis with the Food and Drug Administration, and that every establishment registered with the Food and Drug Administration pursuant to section 510 be inspected at least once in each 2-year period beginning with the date of registration, pursuant to section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374).

As human blood and related blood products are clearly drugs within the meaning of section 201(g) of the Federal Food, Drug, and Cosmetic Act, it is apparent that all blood banks and similar establishments are required to register with the Food and Drug Administration pursuant to section 510 of the act, and the applicable regulations (21 CFR Part 132). Blood banks and similar establishments operating on an intrastate basis are exempt neither by the terms of the act (section 510(g)), nor by the administrative interpretations of these statutory exemptions (21 CFR 132.51). Consequently, such blood banks and similar establishments must be registered with the Food and Drug Administration, and the failure to so register is a violation of section 301(p) of the act (21 U.S.C. 331(p)), which will render the unregistered establishment and its owner subject to the criminal sanctions of section 303 (21 U.S.C 333).

To insure that there will be no misunderstanding concerning the obligations of blood banks and similar establishments and their owners and operators to register with the Food and Drug Administration pursuant to the requirements of the act, the Commissioner is proposing to add a new provision to the recently transferred regulations governing biologic products (21 CFR Part 273), which will indicate clearly that establishments collecting, manufacturing, preparing, propagating, compounding, or processing human blood or blood products are subject to the registration provision of the statute and the implementing regulations appearing in 21 CFR Part 132. In addition, the Commissioner is proposing to amend the regulations governing registration of the producers of drugs (21 CFR Part 132), so that the exemptions contained therein clearly do not exempt hospitals, clinics, and public health agencies from the registration requirement insofar as they collect, manufacture, prepare, propagate, compound, or process human blood or human blood products. It should be noted that the registration requirement applies not only to establishments collecting blood or any part thereof for human transfusion, but also to those establishments collecting human blood or any part thereof for the manufacture, or as a component in the manufacture, of laboratory reagents and controls.

It should also be noted that establishments holding an unsuspended and unrevoked license issued pursuant to section 351 of the Public Health Service Act are exempt from the registration requirement, on the basis that they are already in compliance with the more substantial requirements of section 351 and the regulations issued pursuant to it (21 CFR Part 273).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 510, 701, 52 Stat. 1040–1042, as amended, 76 Stat. 794 as amended by 79 Stat. 231–232 and 84 Stat. 1282, 52 Stat. 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 360, 371), the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262), and the Administrative Procedure Act (secs. 4 and 10, 60 Stat. 238 and 243, as amended; 5 U.S.C. 553, 702, 703, 704), and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that 21 CFR Parts 132 and 273 be amended as follows:

1. In Part 132, paragraph (b) of § 132.51 is revised to read as follows:

§ 132.51 Exemptions for domestic establishments.

* * * * *

(b) Hospitals, clinics, and public health agencies which maintain establishments in conformance with any applicable local laws regulating the practices of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs, other than human blood or blood products, upon prescription of practitioners licensed by law to administer such drug for patients under the care of such practitioners in the course of their professional practice.

* * * * *

2. In Part 273, the following new § 273.237 is added.

§ 273.237 Registration of blood banks and other firms collecting, manufacturing, preparing, or processing human blood or blood products.

(a) With the exception of manufacturers who hold an unsuspended and unrevoked license issued by the Secretary of Health, Education, and Welfare under the Public Health Service Act of July 1, 1944 (58 Stat. 702 as amended; 42 U.S.C. 262, all owners or operators of establishments that engage in the collection, manufacturing, preparation, propagation, compounding, or processing of human blood or blood products are required to register, pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act and Part 132 of this chapter. Registration does not permit any blood bank or similar establishment to ship blood or blood products in interstate commerce.

(b) The first registration of an establishment will be on Form FD 1597, obtainable on request from the Bureau of Biologics (BI–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852, or at any of the Food and Drug Administration district offices listed in § 132.4 of this chapter.

(c) The completed form should be mailed to Blood Bank Registration (BI–7), Bureau of Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

Interested persons may, within 60 days after publication hereof in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 24, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72–14595 Filed 8–25–72;8:52 am]

[21 CFR Part 273]

SOURCE PLASMA (HUMAN)

Proposed Licensing Requirements

The Commissioner of Food and Drugs has examined the system under which Source Plasma (Human), i.e. the fluid portion of blood which has been stabilized against clotting, collected by plasmapheresis and intended as a source material for further manufacture into blood products by fractionation, is collected and regulated in this country. The use of the technique of plasmapheresis (the removal of a unit of blood from a donor, separation of the plasma from the formed elements and the return of the formed elements to the donor) became

prevalent in this country in the early 1960's with the introduction of multifunctional, integral plastic blood collection containers. The readily recognized advantage of collecting large volumes of plasma from a relatively small donor population provided the impetus for a rapid expansion in the number of plasmapheresis establishments in the United States during the past few years. It is now estimated that 80 to 90 percent of all plasma used for fractionation in the United States is drawn by the plasmapheresis technique.

There are approximately 200 establishments using this technique to obtain plasma for fractionation. These establishments currently are regulated under 21 CFR 273.240, which provides a specific exemption from the licensing provision of section 351 of the Public Health Service Act for establishments engaged in the initial and partial manufacture of products declared in short supply, provided that such establishments are operated under the supervision of a licensed manufacturer.

Since Source Plasma (Human) is clearly a blood component, used in the treatment, prevention, or cure of diseases or injuries of man, the Commissioner finds that all establishments engaged in the interstate commerce with this product are subject to the licensing provisions of section 351 of the Public Health Service Act.

To insure that there is no misunderstanding as to the purpose of this proposal, the Commissioner intends to apply section 351 of the Public Health Service Act, so that no person shall sell, barter, or exchange or offer for sale, barter, or exchange in the District of Columbia, or send, carry, or bring for sale, barter, or exchange from any State or possession, or into any foreign country, or from any foreign country into any State or possession, Source Plasma (Human), unless the Source Plasma (Human) has been propagated or manufactured and prepared at an establishment holding an unsuspended and unrevoked license, issued by the Commissioner, Food and Drug Administration.

All establishments engaged in the manufacture or preparation of Source Plasma (Human) subject to section 351 should apply for licensure within 90 days after final publication of these standards on appropriate forms, which can be obtained from the Bureau of Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

To insure there is a continued healthy donor population to serve as a source of plasma to be used in the manufacture, by the fractionation technique, of safe, pure, and potent blood products, the Commissioner is including in these proposed additional standards for Source Plasma (Human) specific provisions designed to protect the health and well-being of the donor.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262), and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243, as amended; 5 U.S.C. 553, 702, 703, 704), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that 21 CFR Part 273 be amended.

§ 273.503 [Amended]

1. In § 273.503 by adding immediately after the words "Single Donor Plasma (Human)," the words "Source Plasma (Human),".

2. In § 273.505 by adding in alphabetical order an additional temperature listing as follows:

§ 273.505 Temperatures during shipment.

* * * * *

Product	*Temperature*
* * *	* * *
Source Plasma (Human)	—20° C. or colder.
* * *	* * *

§ 273.730 [Amended]

3. In § 273.730(g) by adding in subparagraph (4) immediately after the words "Single Donor Plasma (Human)," the words "Source Plasma (Human),".

§ 273.740 [Amended]

4. In § 273.740(b) by adding in the first sentence immediately after the words "Single Donor Plasma (Human)," the words "Source Plasma (Human),".

5. In § 273.870 by inserting in alphabetical order a new listing for Source Plasma (Human) as follows:

§ 273.870 Dating periods for specific products.

* * * * *

Source Plasma (Human).	One year from date of blood collection provided labeling recommends storage at —20° C. or colder. § 273.850 does not apply.

* * * * *

6. In Subpart D by amending the table of contents and by inserting in numerical sequence the following:

SOURCE PLASMA (HUMAN)

7. In Subpart D by adding §§ 273.3100 through 273.3107 as set forth below:

§ 273.3100 Proper name and definition.

The proper name of this product shall be Source Plasma (Human). The product is defined as the fluid portion of blood which has been stabilized against clotting, collected by plasmapheresis, and is intended as a source material for further manufacture into blood fractions by fractionation.

§ 273.3101 Suitability of donor.

Source Plasma (Human) shall be obtained only from a healthy donor who meets the criteria for donor suitability prescribed in § 273.3001, except that the first sentence of paragraph (b), paragraph (c)(3) if the injection has been administered by the establishment collecting the blood, and paragraph (f) of that section shall not apply. Because of the possibility of obtaining unreliable answers, any donor who appears to be under the influence of alcohol, for purpose of this section, shall not be considered a healthy donor.

§ 273.3102 Collection of the plasma.

(a) *General.* All blood for Source Plasma (Human) shall be collected as prescribed in §§ 273.3002 and 273.3103, except that paragraphs (d)(2), (g), (h), and (i) of § 273.3002 shall not apply.

(b) *Additional anticoagulant solution.* In addition to the anticoagulant solutions permitted pursuant to paragraph (a) of this section, the following anticoagulant solution also may be used for the collection of Source Plasma (Human).

ANTICOAGULANT SODIUM CITRATE SOLUTION

Tri-sodium citrate ($Na_3C_6H_5O_7 \cdot 2H_2O$) ---------- gm--	40
Water for injection (U.S.P.) to make ---------- ml--	1,000
Volume per 100 ml. of blood---- ml--	10

§ 273.3103 Plasmapheresis.

(a) *Procedure—general.* The plasmapheresis procedure, which is defined as that procedure in which blood is removed from a donor, the plasma separated from the formed elements and the formed elements returned to the donor, during a single visit to the establishment, shall be described in detail in the product license application, prior to approval by the Director, Bureau of Biologics.

(b) *Procedures—specific requirements.* The plasmapheresis procedure shall at least meet the following minimum requirements:

(1) Each donor shall be certified to be in good health, by a physician licensed to practice medicine in the State where the plasma is collected, and such certification shall be made within 1 week prior to the first plasmapheresis.

(2) A donor identification system shall be established that positively identifies each donor and relates such donor to his blood and its components as well as to his accumulated records and laboratory data. Such system shall include either a photograph of each donor which shall be used on each visit to confirm the donor's identity, or it shall provide some other method that provides equal or greater assurance of positively identifying the donor.

(3) A total serum protein determination shall be made immediately prior to each plasmapheresis procedure. To be acceptable, the donor's total serum protein shall be not less than 6.0 grams per 100 milliliters serum.

(4) A serum protein electrophoresis or quantitative immunodiffusion test for immunoglobulins shall be performed on every donor at the time of the first plasmapheresis procedure or within 1 week prior to the first donation, and every 4 months thereafter. Based on this

first test, a normal range shall be established for each donor by the laboratory. Whenever the immunoglobulin composition of a donor falls below or rises above this normal range, the donor shall be removed from the plasmapheresis program until such time as the immunoglobulin composition returns to the normal range.

(5) Physical status of the donor and accumulated laboratory data shall be reviewed by a licensed physican at least once every 2 months after the initial donation. Only those donors certified to be in good health upon such review shall remain in the plasmapheresis program.

(6) The system used for the collection of blood and the separation of the plasma shall provide for positive identification of all containers. It shall also result in a sterile final product, without contamination of the red blood cells to be returned to the donor.

(7) The ratio of blood collected to anticoagulant solution in the container shall be that specified for the appropriate anticoagulant.

(8) The amount of whole blood removed from a donor during any plasmapheresis procedure, or within any 48-hour period, shall not exceed 1,000 milliliters.

(9) The amount of whole blood removed from a donor within any 7-day period shall not exceed 2,000 milliliters.

(10) The plasma shall be separated from the red blood cells immediately after blood collection and the red blood cells shall be returned immediately to the donor after each such separation.

§ 273.3104 Immunization of donors.

If specific immunization of a donor is to be performed, the immunization schedule for each donor shall be under the supervision of a licensed physician who shall be responsible for the selection and administration of the antigen involved and for the evaluation of the donor response. Any antigen administered shall be either a product licensed under this part or one described in detail in the product license application and specifically approved by the Director, Bureau of Biologics.

§ 273.3105 Laboratory tests.

All laboratory tests, except the test for total protein (§ 273.3103(b)(3)), shall be made on a sample of blood taken from the donor at the time of blood collection, and shall include the following:

(a) *Serological test for syphilis.* Blood used to prepare Source Plasma (Human) shall be nonreactive for a test for syphilis.

(b) *Test for hepatitis associated antigen.* Blood used to prepare Source Plasma (Human) shall comply with the requirements of §§ 273.755 and 273.756.

§ 273.3106 Processing.

(a) *Sterile system.* All surfaces that come in contact with the plasma shall be both sterile and pyrogen free. If the method of separation involves a vented system; that is, where an airway must be inserted in a container for withdrawal of the plasma, the airway and vent shall be sterile and constructed so as to exclude microorganisms and maintain a sterile system.

(b) *Final containers.* Final containers used for Source Plasma (Human), whether integrally attached or separated from the original blood container, shall not be entered prior to issue for any purpose except for filling with the plasma. Such containers shall be uncolored and transparent to permit visual inspection of the contents and any closures shall be such as will maintain a hermetic seal and prevent contamination of the contents. The container material shall not interact with the contents under conditions of storage and use, in such a manner as to have an adverse effect upon the safety, purity, and potency of the plasma. Prior to filling, the final container shall be marked or identified by number or other symbol which will relate it to the donor.

(c) *Preservative.* Source Plasma (Human) shall not contain a preservative.

§ 273.3107 General requirements.

(a) *Pooling.* Pooling of plasma from two or more donors is not permitted. Two units of plasma from the same donor may be pooled if such units are collected during one plasmapheresis procedure, provided the pooling is done by a procedure that precludes contamination, and which is described in detail in the product license application and specifically approved by the Director, Bureau of Biologics.

(b) *Storage.* Immediately after filling, the final container shall be placed in a freezer at −20° C., or colder, in a manner that will provide conspicuous evidence of any thawing and refreezing, should they occur.

(c) *Inspection.* Source Plasma (Human) shall be inspected both immediately after filling, as well as just prior to issue. The product shall not be further processed if there is any abnormality in color or physical appearance, nor shall it be issued if there is any evidence of thawing.

(d) *Pilot samples.* Pilot samples representative of the entire contents of the final container of Source Plasma (Human) shall be collected in integral tubing or separate tubes in a manner so that the final contents are not contaminated. Pilot samples shall meet the following standards:

(1) Prior to filling, all tubes for pilot samples shall be marked or identified so as to relate them to the donor of that unit of plasma.

(2) All pilot sample tubes of plasma shall be filled at the time the final product is prepared by the person who prepares the final product.

(3) At the time the final product is prepared, at least one pilot sample tube shall be attached securely to the final container in a tamperproof manner that will conspicuously indicate removal and reattachment.

(4) One or more pilot samples of each unit of Source Plasma (Human) shall accompany each unit when it is issued.

(e) *Labeling.* In addition to the items required by other applicable labeling provisions of this part, the package label shall bear the following:

(1) The statement: "Caution: For further manufacturing use only."

(2) A warning that the plasma should not be used if there is evidence of thawing during storage, and a short statement describing the particular evidence which would indicate such thawing.

(3) The total volume of plasma and total quantity and type of anticoagulant used.

(4) The statement "Store at −20° C. or colder."

(5) The serological test for syphilis used and the result.

(6) The test for hepatitis associated antigen used and the result.

(f) *Manufacturing responsibility.* All steps in the manufacture of Source Plasma (Human), including donor examination, blood collection, laboratory tests, labeling, storage, and issue shall be performed by the same licensed establishment, except that the serum protein electrophoresis or quantitative immunodiffusion test for immunoglobulin (§ 273.3103(b)(4)) may be performed by a clinical laboratory licensed under section 353 of the Public Health Service Act or by an establishment licensed under Part 273 for blood fractions. Such testing shall not be considered divided manufacturing, requiring two product licenses for Source Plasma (Human), provided that the results of such tests are maintained by the establishment licensed for Source Plasma (Human) whereby such results may be reviewed by a licensed physician as required in § 273.310(b)(5).

(g) *Effective date.* Establishment license applications or amendments, whichever are appropriate, and product license applications for Source Plasma (Human) shall be filed within 90 days of publication of the final order. Source Plasma (Human) from such applicants may be used after such 90-day period until such time as final action has been taken with respect to approval or denial of their license application.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 24, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-14594 Filed 8-25-72;8:52 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 72-167P]

AIWW, WEST PALM BEACH, FLA.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the Southern Boulevard Bridge across the Atlantic Intracoastal Waterway at West Palm Beach to allow periods from 7:30 a.m. to 6 p.m. from December 1 through April 30 when the draw may remain closed to the passage of vessels. The draw is presently required to open on signal. This change is being considered because of an increase in vehicular traffic.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before October 3, 1972, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.440a immediately after § 117.440 to read as follows:

§ 117.440a Southern Boulevard Bridge, AIWW, West Palm Beach, Fla.

(a) The draw shall open on signal except that from 7:30 a.m. to 6 p.m. from December 1 through April 30 the draw need not open for the passage of vessels except on the hour and half hour and except as provided in paragraph (b) below.

(b) The draw shall open at any time for the passage of public vessels of the United States, State, or local vessels used for public service, tugs with tows, and vessels in distress. The opening signal from these vessels is 4 blasts of a whistle or horn, or by shouting.

(c) The owner of or agency controlling this bridge shall post notices containing the substance of these regulations, both upstream and downstream, on the bridge or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: August 23, 1972.

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

[FR Doc.72-14565 Filed 8-25-72;8:50 am]

[33 CFR Part 117]

[CGD 72-168P]

ST. LUCIE RIVER, FLA.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the U.S. Highway No. 1 Bridge across the St. Lucie River (Okeechobee Waterway, Mile 7.5) at Stuart to allow periods during the mornings and evenings when the draw may remain closed to the passage of vessels. The draw is presently required to open on signal. This change is being considered because of an increase in vehicular traffic.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before October 3, 1972, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.438a immediately after § 117.438 to read as follows:

§ 117.438a St. Lucie River, Fla., Roosevelt Bridge, U.S. Highway No. 1, Stuart.

(a) The draw shall open on signal except that from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, the draw need not open except at 8:15 a.m. and 5:30 p.m. and except as provided for in paragraph (b) below.

(b) The draw shall open at any time for the passage of public vessels of the United States, State, or local vessels used for public service, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn, or by shouting.

(c) The owner of or agency controlling this bridge shall post notices containing the substance of these regulations, both upstream and downstream, on the bridge or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: August 23, 1972.

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

[FR Doc.72-14566 Filed 8-25-72;8:50 am]

[33 CFR Part 117]

[CGD 72-165P]

CLEAR CREEK, TEX.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the State Highway 146 drawbridge across Clear Creek near Seabrook to allow periods during the mornings and evenings when the draw may remain closed to the passage of vessels. The draw is presently required to open on signal. This change is being considered because of an increase in vehicular traffic.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Customhouse, New Orleans, La. 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before October 3, 1972, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.551 immediately after § 117.550 to read as follows:

§ 117.551 Clear Creek, Tex., State Highway 146 drawbridge.

The draw shall open on signal except that from 7 a.m. to 8 a.m. and 4 p.m. to 6 p.m. excluding Saturdays, Sundays, and holidays the draw need not open for the passage of vessels.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: August 22, 1972.

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

[FR Doc.72-14564 Filed 8-25-72;8:50 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 72-CE-26-AD]

BEECH 99 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive applicable to Beech 99 series airplanes. There have been four reports of inflight opening of the nose baggage compartment door in these series airplanes wherein baggage emerged and struck the propeller. There has been one additional instance where the nose baggage compartment door opened but was restrained by a safety chain with the result that no baggage emerged. The manufacturer has now developed a modification in the form of an additional door latching feature which eliminates the hazard. Consequently, in order to prevent the condition described herein from occurring and in the interest of safety, an AD is being proposed requiring the installation of this additional latching feature on the nose baggage compartment door of Beech 99 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1548 Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation regulations by adding the following new AD.

BEECH. Applies to 99 series (Serial Numbers U-1 thru U-148) airplanes.

Compliance: Required as indicated, unless already accomplished.

To reduce the possibility of the nose baggage door opening in flight accomplish the following:

Within the next 200 hours' time in service after the effective date of this AD install additional latching feature to the nose baggage door as provided in Beech Kit No. 99-4019S or any FAA-approved equivalent.

Issued in Kansas City, Mo., on August 17, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-14520 Filed 8-25-72;8:46 am]

POSTAL SERVICE

[39 CFR Part 134]

SPECIAL THIRD-CLASS MAIL RATES

Proposed Eligibility Standards for Nonprofit Organizations

Section 134.5(a) of Title 39, Code of Federal Regulations, lists eight types of organizations or associations eligible for special third-class bulk mail rates. The present regulations, however, do not contain any definitions of the eight categories. The proposed regulations set out below are designed to provide specific criteria for determining whether an organization making an application for reduced rates comes within one of the eight categories of nonprofit organizations. These definitions are based on long-standing administrative interpretations made through the years.

By revising the provisions of present 39 CFR 134.5(b) and (d) the proposals herein would also have the effect of providing that an Internal Revenue Service exemption for a nonprofit organization or association will be considered as evidence of qualification for the preferred postal rates, but would not be controlling as to whether the organization concerned falls within one of the eight categories discussed above.

Accordingly, complying voluntarily with the advance notice requirement of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rule making, the Postal Service proposes the following amendments to Title 39, Code of Federal Regulations.

Interested persons who wish to do so may submit written data, views, or arguments concerning the proposed regulations to the Manager, Mail Classification Division, Finance Department, U.S. Postal Service, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

PART 134—THIRD CLASS

In § 134.5 *Qualification requirements and application procedure for special third-class rates,* make the following changes:

1. Amend paragraph (b) and add a new subparagraph (1) to paragraph (d) to read as follows:

§ 134.5 Qualification requirements and application procedure for special third-class rates.

* * * * *

(b) *Definitions.* The eight types of organizations listed in paragraph (a) of this section are defined below. The standard of "primary purpose" in the definitions shall require that the organization be both organized for and operated for such primary purpose. Organizations which incidentally engage in qualifying activities only to accomplish other goals do not meet the primary purpose test.

(1) *Religious.* A nonprofit organization whose primary purpose is one of the following:

(i) To conduct religious worship, for example, churches, synagogues, temples, or mosques;

(ii) To support the religious activities of nonprofit organizations whose primary purpose is to conduct religious worship;

(iii) To perform instruction in, to disseminate information about, or otherwise to further the teaching of particular religious faiths or tenets.

(2) *Educational.* A nonprofit organization whose primary purpose is to instruct in any or all of the mental, moral, or physical powers and faculties. Educational organizations include, but are not limited to, schools, colleges, universities, seminaries, conservatories, and other educational institutions.

(3) *Scientific.* A nonprofit organization whose primary purpose is one of the following:

(i) To conduct research in the applied, pure or natural sciences;

(ii) To disseminate systematized technical information dealing with applied, pure or natural sciences.

(4) *Philanthropic.* A nonprofit organization whose primary purpose is to promote the welfare of mankind by donating money, services, or other benefits. Such organizations must meet all of the following additional criteria:

(i) All benefits given by the organization must be gifts, except that interest-free loans (see below) and gifts conditioned on the meeting of standards consistent with, or the fulfillment of requirements consistent with, the purposes of the organization, are permissible;

(ii) No beneficiary of the organization may be a profit-making organization;

(iii) No cause which is of any economic benefit to its own members may be promoted by the organization; and

(iv) No significant part of the activities of the organization may consist of lobbying or other activities designed primarily to influence legislation.

Examples of philanthropic organizations include the American Red Cross, United Givers Fund, and the like. Philanthropic organizations do not include organizations whose primary concern is the welfare of animals. Organizations which

make loans are specifically excluded from this definition. However, organizations whose loans are all made free of interest or other charges to the beneficiary shall not be disqualified.

(5) *Agricultural.* A nonprofit organization whose primary purpose is to further and advance agricultural interests through educational activities; the holding of agricultural fairs; the collection and dissemination of information concerning cultivation of the soil and its fruits, the rearing, feeding, and management of livestock, poultry, bees, etc., or other activities relating to agriculture interests.

(6) *Labor.* A nonprofit organization in which employees or workmen participate, and whose primary purpose is to deal with employers concerning grievances, labor disputes, wages, hours of employment, working conditions, etc. Examples are labor unions and employees' associations formed for the stated purposes.

(7) *Veterans'.* A nonprofit organization composed exclusively of veterans of the Armed Services of the United States.

(8) *Fraternal.* A nonprofit organization which meets all of the following criteria:

(i) Has as its primary purpose the fostering of brotherhood and mutual benefits among its members;

(ii) Is organized under a lodge or chapter system with a representative form of government;

(iii) Follows a ritualistic format; and

(iv) Is comprised of members who are elected to membership by vote of the members.

Fraternal organizations include such organizations as the Masons, Knights of Columbus, Elks, college fraternities, and the like. Fraternal organizations do not encompass such organizations as business leagues, professional associations, civic associations or social clubs.

* * * * *

(d) * * *

(1) The application must include evidence that the organization is nonprofit, and, if available, a certificate of exemption from federal income tax should accompany the application. Such exemption will be considered as evidence of qualification for preferred postal rates but will not be controlling on the matter.

* * * * *

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

AUGUST 23, 1972.

[FR Doc.72-14518 Filed 8-25-72;8:46 am]

VETERANS ADMINISTRATION

[38 CFR Part 36]

GUARANTEED AND INSURED HOME LOANS

Charges and Fees

Pursuant to section 701 of the Emergency Home Finance Act of 1970, 12 U.S.C. 1430 note, 84 Stat. 450, 464, the Administrator is authorized to establish standards governing the amounts of settlement costs allowable in connection with Veterans Administration guaranteed and insured home loans. Such standards are to be based on the Administrator's determination of a reasonable charge for necessary services.

Pursuant to this directive, it is proposed that § 36.4312 of the regulations of the Veterans Administration be revised as set forth below. The maximum standards will be established by the Administrator for specific areas where the Administrator determines that excessive fees and charges are being collected from veterans and sellers in connection with the mortgage transaction. Special provisions will be added for areas where these maximums are established. Existing provisions in § 36.4312 will be retained for the remainder of the country. Standards for six metropolitan areas are being published for comment in this issue of the FEDERAL REGISTER and it is further contemplated that standards will be set in the near future for additional areas in which the Administrator deems the setting of such standards to be advisable.

No change is proposed at this time in the amount the lender may collect as an origination fee. HUD and VA are jointly studying the question as to what is a reasonable amount to be allowed the lender for originating and closing the mortgage loan.

The maximum settlement charges to be fixed have been derived from cost data produced by a comprehensive survey of all HUD and VA loan closings during March of 1971. Statistical and economic analyses were performed on this data, and additional information concerning the nature of the services rendered for various charges was collected. Proposed maximums were then developed and were reviewed by personnel of the VA regional offices in the areas in question. The maximums appearing in this issue of the FEDERAL REGISTER were then established.

In addition, it is proposed that a uniform "Settlement Cost Reporting Form" be submitted to VA by the lender following the settlement of each loan to which § 36.4312 applies. A copy of the form proposed for this purpose is reproduced in this issue of the FEDERAL REGISTER. Comments on the proposed amendment, "Settlement Cost Reporting Form" and settlement cost maximums are solicited from mortgagees, mortgagors, persons who supply services in connection with real estate settlements, public interest groups, and all other interested parties.

Inasmuch as certain of the proposed revision constitutes substantive modification of the existing regulation, the Veterans Administration is providing an opportunity for comment with respect to the proposal before adoption of a final rule.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they may desire. Communications should identify the subject matter by the above title and area affected and should be submitted in triplicate to the Administrator of Veterans Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Accordingly, in § 36.4312, we propose to amend paragraph (d) and add paragraph (e) to read as follows:

§ 36.4312 Charges and fees.

* * * * *

(d) Except as provided in paragraph (e) of this section, the following schedule of permissible fees and charges shall be applicable to all Veterans Administration guaranteed or insured loans.

PART I—LOANS FOR THE PURCHASE, CONSTRUCTION, REPAIR, ALTERATION, OR IMPROVEMENT OF RESIDENTIAL PROPERTY (38 U.S.C. 1810)

A. The veteran may pay reasonable and customary amounts for any of the following items:

(1) Fee of Veterans Administration appraiser and of compliance inspectors designated by Veterans Administration except appraisal fees incurred for the predetermination of reasonable value requested by other than the veteran or lender.

* * * * *

(e) (1) Where the Administrator determines that excessive fees and charges are being collected from mortgagors and sellers in connection with mortgage transactions involving property located in specific geographic areas he may establish, from time to time, by publication in the FEDERAL REGISTER, dollar limitations on the combined amounts that may be charged the mortgagor and seller by the mortgagee or any other person or entity for each of the following services, as defined by the Administrator, which are rendered in connection with a mortgage on property located in such areas:

(i) Credit report.

(ii) Survey.

(iii) Title examination.

(iv) Title insurance.

(v) Closing fee.

(vi) Pest and fungus inspection.

(2) Where limits on fees and charges are prescribed in a geographical area pursuant to subparagraph (1) of this paragraph, no other amounts shall be collected from the mortgagor or seller in connection with the making of a mortgage loan or a purchase financed by such mortgage loan except real estate brokerage commissions, mortgage discount points that may be charged the seller,

fees for legal or financial advise in connection with the transaction that may be paid by the mortgagor or seller to an attorney or other adviser selected by him and charges authorized under paragraph (d) of this section not specifically itemized and limited under this paragraph.

(3) Where limits on fees and charges are prescribed in a geographical area pursuant to subparagraph (1) of this paragraph, the lender, in respect to each loan closed and submitted to the Administrator for guaranty or insurance, shall furnish to the Administrator, on a form prescribed by him, a listing of all charges, fees, and discounts paid by the veteran and by the seller of the property. Such listing must be certified as accurate and complete by the veteran, the seller, the closing agent, and the lender.

Approved: August 21, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-14496 Filed 8-25-72;8:45 am]

[38 CFR Part 36]

LOAN GUARANTY

Proposed Maximum Settlement Charges

Pursuant to section 701 of the Emergency Home Finance Act of 1970, 12 U.S.C. 1430 note, 84 Stat. 450, 464, the Administrator of Veterans Affairs is authorized to establish standards governing the amounts of settlement costs allowable in connection with Veterans Administration-guaranteed and insured home loans. Such standards are to be based on the Administrator's determination of a reasonable charge for necessary services.

Section 36.4312 of Title 38, Code of Federal Regulations pertains to "Charges and Fees." Inasmuch as the proposed revision of § 36.4312 that is being published in this issue of the FEDERAL REGISTER constitutes a substantive modification of the existing regulations, the Veterans Administration is providing an opportunity for comments with respect to the proposal before adoption of a final rule.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they may desire. Communications should identify the subject matter by the above title and area affected and should be submitted in triplicated to the Administrator of Veterans Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue NW., Washington, DC 20420.

All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such vistors to a VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

The following maximum charges for settlement services are proposed in accordance with the revised § 36.4312 in the following specific geographic areas:

MAXIMUM SETTLEMENT CHARGES

I—CLEVELAND SMSA

(1) Credit report	The charges for a credit report are to be in accordance with the current HUD contracts in the SMSA covering credit report fees.
(2) Field survey	$50.
(3) Title examination	$100.
(4) Title insurance	$2 per $1,000 of coverage for lenders policy. $3 per $1,000 of coverage for owners policy. $3 per $1,000 plus $15 for a lenders and owners policy issued simultaneously.
(5) Closing fee	None.
(6) Pest and fungus inspection	$20.

II—NEWARK SMSA

(1) Credit report	The charges for a credit report are to be in accordance with the current HUD contracts in the SMSA covering credit report fees.
(2) Field survey	$60.
(3) Title examination	$130.
(4) Title insurance	$2 per $1,000 of coverage for lenders policy. $3 per $1,000 of coverage for owners policy. $3 per $1,000 plus $10 for a lenders and owners policy issued simultaneously.
(5) Closing fee	None.
(6) Pest and fungus inspection	$15.

III—SAN FRANCISCO-OAKLAND SMSA

(1) Credit report	The charges for a credit report are to be in accordance with the current HUD contracts in the SMSA covering credit report fees.
(2) Field survey	A separate charge for this service is not permitted in the area.
(3) Title examination and title insurance	$2 per $1,000 of coverage for lenders policy. $3 per $1,000 of coverage for owners policy and owners and lenders policy issued simultaneously. An additional $75 for a CLTA policy or an additional $100 for a lenders or lenders and owners ALTA policy issued simultaneously.
(4) Closing fee	None.
(5) Pest and fungus inspection	$25.

IV—SEATTLE-EVERETT SMSA

(1) Credit report	The charges for a credit report are to be in accordance with the current HUD contracts in the SMSA covering credit report fees.
(2) Field survey	A separate charge for this service is not permitted in the area.
(3) Title examination and title insurance	$2 per $1,000 of coverage for lenders policy. $3 per $1,000 of coverage for an owners policy. $3 per $1,000 plus $12 for a lenders and owners policy issued simultaneously. An additional $90 for a ALTA lenders and owners policy issued simultaneously.
(4) Closing fee	None.
(5) Pest and fungus inspection	$30.

V—ST. LOUIS SMSA

(1) Credit report	The charges for a credit report are to be in accordance with the current HUD contracts in the SMSA covering credit report fees.
(2) Field survey	$50.
(3) Title examination	$90.
(4) Title insurance	$2 per $1,000 of coverage for lenders policy. $3 per $1,000 for owners policy. $3 per $1,000 of coverage for owners policy. issued simultaneously.
(5) Closing fee	None.
(6) Pest and fungus inspection	$15.

VI—WASHINGTON, D.C. SMSA

(1) Credit report	The charges for a credit report are to be in accordance with the current HUD contracts in the SMSA covering credit report fees.
(2) Field survey	$55.
(3) Title examination:	
District of Columbia	$90.
Maryland and Virginia	$130.
(4) Title insurance	$2 per $1,000 of coverage for lenders policy. $3 per $1,000 coverage for owners policy. $3 per $1,000 plus $10 for a lenders and owners policy issued simultaneously.
(5) Closing fee	None.
(6) Pest and fungus inspection	$15.

The following proposed "Settlement Cost Reporting Form" would be used in connection with the proposed revision of 38 CFR 36.4312.

VETERANS ADMINISTRATION
SETTLEMENT COST REPORTING FORM

NOTE: THIS FORM ITEMIZES ACTUAL COSTS INCURRED AND PAID FOR SETTLEMENT SERVICES REGARDLESS OF WHETHER THEY ARE ACTUALLY PAID AT, BEFORE, OR AFTER THE CLOSING.

LENDER'S NAME: ADDRESS: FILE NO:	CLOSING AGENT'S NAME: ADDRESS:
LOCATION OF PROPERTY:	
SALES PRICE:	MORTGAGE AMOUNT:
PLACE OF SETTLEMENT:	DATE OF SETTLEMENT: VA CASE NO:

SECTION		PAID BY BUYER	PAID BY SELLER	TOTAL COST	AREA MAXIMUM
I. TOTAL SETTLEMENT COSTS					
II. TOTAL CLOSING COSTS					
A. TOTAL PRIVATE COSTS					
1. CREDIT REPORT					
2. APPRAISAL FEE					
3. FIELD SURVEY					
4. TITLE EXAMINATION					
5. a. TITLE INSURANCE (LENDER'S POLICY)					
b. TITLE INSURANCE (OWNER'S POLICY)					
6. ATTORNEY FEES					
7. ORIGINATION FEE					
8. COMPLIANCE INSPECTION FEES					
9. TERMITE INSPECTION					
10. STRUCTURAL INSPECTION FEE					
B. TOTAL PUBLIC COSTS					
1. RECORDING FEES					
2. TRANSFER TAXES					
3. OTHER (IDENTIFY)					
III. LOAN DISCOUNT PAYMENT ___%					
IV. TOTAL PREPAID ITEMS:	ESTIMATED ANNUAL AMOUNT				
A. REAL ESTATE TAXES					
B. HAZARD INSURANCE					
C. SPECIAL ASSESSMENTS (IF APPLICABLE)					
D. OTHER (EXPLAIN)					
TOTAL					
V. BROKER'S SALES COMMISSION ___%					

DO NOT SIGN UNTIL ALL ENTRIES ARE COMPLETED ON THIS FORM.
DO NOT SIGN IN BLANK! READ AND UNDERSTAND ALL ENTRIES FIRST.

I have received and read a completed copy of this disclosure statement. To the best of my knowledge and belief all the entries on this form are true and correct and the buyer's settlement charges" listed hereon represent actual costs incurred or my behalf and paid by me in order to complete the transaction depicted on the form. Furthermore, I have not paid and am not obligated to pay any charges or fees for settlement services other than those itemized and listed on this form.

(VETERAN SIGNATURE)

(ADDRESS) DATE

SELLER

I have received and read a completed copy of this disclosure statement. To the best of my knowledge and belief all the entries on this form are true and correct and the "seller's settlement charges" listed hereon represent actual costs incurred on my behalf and paid by me in order to complete the transaction outlined on the form. Furthermore, I have not paid any fee or charges or received any remuneration in the form of a rebate or discount for settlement services other than those itemized and listed on this form.

SELLER SELLER

ADDRESS, FIRM NAME, AND TITLE (IF APPLICABLE) ADDRESS, FIRM NAME, AND TITLE (IF APPLICABLE)

DATE

FEDERAL STATUTES PROVIDE SEVERE PENALTIES FOR ANY FRAUD, INTENTIONAL MISREPRESENTATION, CRIMINAL CONVIVANCE, OR CONSPIRACY PURPOSED TO INFLUENCE THE ISSUANCE OF ANY GUARANTY OR INSURANCE BY THE ADMINISTRATOR

CLOSING AGENT

1. To the best of my knowledge and belief all the entries on this form are true and correct and represent the total number of actual costs incurred for actual services rendered.

2. In addition, I have obtained and retain in my possession certifications from those parties who provided the settlement services listed in Section II and Section V of this form sworn to under penalty of perjury that the costs reported by them were actually incurred and that none of these parties has paid or received a fee, commission, stipend, gratuity, or other form of remuneration in relation to this transaction not specifically authorized by VA and listed as an allowable charge on the face of this form.

3. Furthermore, CLOSING AGENT

being duly sworn, swears, deposes and says that he (it) has not paid or received a fee, commission, stipend, gratuity, or other form of remuneration in relation to this transaction not specifically authorized by VA and listed as an allowable charge on the face of this form.

CLOSING AGENT

DATE ADDRESS, FIRM NAME, AND TITLE (IF APPLICABLE)

DATE NOTARY PUBLIC

ADDRESS

The following definitions of maximum charges for settlement services shall be used in connection with the proposed revision of 38 CFR 36.4312.

DEFINITIONS OF MAXIMUM CHARGES FOR SETTLEMENT SERVICES IN CONNECTION WITH VETERANS ADMINISTRATION GUARANTEED AND INSURED HOME LOANS

1. *Credit report fee.* A credit report is a report of the prospective mortgagor's financial and credit standing. It gives the credit record of the prospective borrower and shows how well he has handled past and present obligations. The charges for a credit report are to be in accordance with the current HUD–VA contracts covering credit report fees.

2. *Field survey charge.* A survey is the process by which a parcel of land is measured and its contents ascertained. It will usually include a legal description of the property's boundary lines, dimensions of the property location of buildings, fences, and other improvements. Charges for this service must involve an actual measurement of the property made on the premises.

3. *Title examination fee.* A fee charged for a search of the records relating to a specific piece of property which was performed to determine the status of the title with regard to its marketability and to ascertain whether any liens, easements, encumbrances and possible "clouds" on the title exist.

4. *Title insurance charge.* A fee charged for the issuance of an insurance policy to the lender or owner as a protection against loss in the event title to the mortgaged property is found to be defective. A mortgagee's policy protects only the lender's interest. An owner's policy can be purchased at an additional charge.

5. *Closing fee.* This is a fee paid to an attorney, title insurer, mortgagee, or some other third party for handling the settlement or acting as an independent escrow agent. At closing, the parties to the sale sign the necessary documents, determine the amounts to be exchanged and make the appropriate payments. Where escrow agents are utilized, they act as independent fiduciaries charged with holding the evidence of the transfer in trust for the parties until all the steps of the transfer are completed according to the terms of the sales contract. This cost must be absorbed by the lender from the origination fee permitted to be charged the veteran pursuant to § 36.4312(d), Part I, B.

6. *Pest and fungus inspection fee.* This is a fee paid for the inspection of the property and certification of its condition as is customarily required by lending institutions in the locality with respect to possible damage by termites, other structural pests, dry rot, or similar perils. It does not include a warranty against future infestation.

Approved: August 21, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-14497 Filed 8-25-72;8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Price Commission Ruling 1972–223]

MAY 25, 1970, LIMITING PRICE

Price Commission Ruling

Facts. Retailer A received an average price for Product Z on May 25, 1970, of $11. A considers this to be the base price because of Economic Stabilization Regulations, 6 CFR 300.403 (1972). A has, therefore, posted this price to comply with 6 CFR 300.13(b)(1)(ii). If computed under 6 CFR 300.405 (1972), the base price for Product Z would be $10.

Issue. Which price should be posted as the base price for Product Z?

Ruling. $10 should be posted. Section 300.403 of the regulations is not to be used to determine base prices. This section merely limits the application of the general rule that no person may charge a price in excess of the base price determined under Subpart F of the regulations.

Section 300.403 states, "This part does not require a person to establish any price which is lower than the average price which was received by him in arms-length transactions involving the property or service on May 25, 1970." This section of the regulations is meant to implement section 203(a)(1) of the Economic Stabilization Act of 1970, as amended, which gives the President the authority to cause regulations to be issued which would stabilize prices, "at levels not less than those prevailing on May 25, 1970, * * *" Thus, § 300.403 limits the general rule in 6 CFR 300.11 (1972) underlined below:

> No person may charge a price with respect to any sale or lease of an item of property or a service after November 13, 1971, *which exceeds the base price (or other price authorized under this part)* for that item of property or that service. (Emphasis added.)

Section 300.403 does not establish a base price. Section 300.403 establishes an, "other price authorized under this part" so that the regulations will be consistent with section 203(a)(1) of the Act. While A may charge $11 for Product Z without restriction, the base price for the item is $10 as determined under § 300.403 of the regulations.

This ruling has been approved by the general counsel of the Price Commission.

Dated: August 18, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-14571 Filed 8-25-72;8:50 am]

[Price Commission Ruling 1972–224]

TAXES TO ESCROW ACCOUNTS NOT "PAID"

Price Commission Ruling

Facts. A owns a building containing 10 residential units that he leases to tenants. His ownership is subject to a mortgage agreement that provides for monthly payments to B, the mortgagee. Under the agreement, payments are calculated to include the return of principal and interest on the underlying loan and to cover real property taxes on the property; B is to place the amounts allocable to real property taxes in an escrow account until payment is made. On July 15, 1972, B received a real property tax bill calculated at a higher rate than that of the previous year. The first installment of the bill is payable October 1, 1972, after which it begins to accrue interest. B has revised A's monthly payment under the mortgage agreement so as to reflect the tax increase, and plans to pay the first installment on October 1. A is now proposing to increase rents on his apartments on the basis of the tax increase as of September 1, 1972, because he has already begun to pay the increase to B.

Issue. Does a lessor's payment of increased property taxes into an escrow account pursuant to a mortgage agreement permit a rental increase prior to the date the first installment is paid to the taxing authority or the date the increase becomes payable?

Ruling. A's payment to B at the increased rate does not entitle him to begin charging a rental increase prior to the date the first installment becomes payable or is paid to the taxing authority.

Increases in allowable costs, such as real property tax increases occurring after August 15, 1971, justify rental increases beginning with first rent payment interval after December 28, 1971. However, no rent may be increased until the first installment of the allowable cost reflecting the increase is payable (i.e., becomes subject to penalty or interest) or has been paid, whichever is earlier. Economic Stabilization Regulations § 301.101(a)(2)(iii), 37 F.R. 13226 (1972).

On the basis of these facts, the first installment of the allowable cost "has been paid" when B remits A's accumulated tax payments in the escrow account to the taxing authority, not when A begins to pay the increased amounts into the escrow account. A's contribution to an escrow account is not sufficiently final to constitute "payment" as that term is used in § 301.101(a)(2).

A may begin charging rental increases based on this increased allowable cost when it becomes payable (October 1, 1972) or when B pays the first installment to the taxing authority, provided that A has furnished notice to his tenants pursuant to § 301.301 of the regulations.

This ruling is consistent with Price Commission Ruling 1972–98, 37 F.R. 5065 (1972), which applies to the regulations effective from December 28, 1971, to July 5, 1972.

This ruling has been approved by the general counsel of the Price Commission.

Dated: August 18, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-14572 Filed 8-25-72;8:50 am]

[Price Commission Ruling 1972–225]

PRICE ROUNDING TO NEAREST CENT

Price Commission Ruling

Facts. Retailer R has established base prices of 36 cents each for two items, A and B, which previously cost 30 cents each, and on which R historically applied a customary initial percentage markup (CIPM) of 20 percent. R has experienced increased purchase costs for both items. A now costs 32 cents; B now costs 33 cents. Applying R's CIPM of 20 percent to these increased costs results in fractional cent prices of 38.4 cents for A and 39.6 cents for B.

Issue. What are the maximum even-cent prices which R may charge for these items?

Ruling. Price Commission Ruling 1972–126, 37 F.R. 7350 (1972) provides, in general, that a retailer or wholesaler may not employ a pricing policy such as "rounding off" if the selling price so determined results in the firm exceeding its CIPM for the product. However, where the result of applying the firm's customary initial percentage markup to the cost of the item is a fractional cent, it is impossible to charge the exact resulting price. Therefore, a firm may round that fraction of a cent to the nearest penny.

Thus, R may charge a maximum price of 38 cents for item A and 40 cents for item B. These prices are determined by applying R's CIPM to the increased cost of the item and rounding any resulting fractional cents to the nearest penny. Thus, all fractional cents equal to or greater than one-half cent may be rounded up to the next penny; all fractional cents less than one-half cent must be rounded down to the nearest penny. However, if the aggregate effect of all of these price changes is to increase its profit margin over that which prevailed during the base period, the retailer or wholesaler may have to reduce its CIPM. See Economic Stabilization Regulation, 6 CFR 300.13(a)(2) (1972).

This ruling has been approved by the general counsel of the Price Commission.

Dated: August 18, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-14573 Filed 8-25-72;8:50 am]

[Price Commission Ruling 1972-226]

HOSPITALS—INCREASED REVENUES DERIVED FROM NEW SERVICES

Price Commission Ruling

Facts. Hospital A, an institutional provider of health services, had aggregate annual revenues of $1 million in its most recently completed fiscal year. During its present fiscal year, Hospital A has begun offering several services that are substantially different in purpose, function, quality, and technology from the services it has previously offered. These services qualify as new services within the meaning of Economic Stabilization Regulations 6 CFR 300.409 (1972) and Hospital A properly established its base prices for these services by a computation based on average prices received in current transactions by hospitals offering comparable services in the same marketing area. Hospital A has not increased any prices above base price, but it estimates that charges for the new services will increase its aggregate annual revenues to $1.2 million in its current fiscal year. A hospital may not charge a price in excess of the base price, if the effect of the increase, together with any other price changes made by it under the authority of the Price Stabilization Regulations, is to increase its aggregate annual revenues at an annualized rate of more than 6 percent over the amount of its aggregate annual revenues for its most recently completed fiscal year (adjusted for volume differences) unless the hospital has received an exception from the Price Commission after applying with the District Director of Internal Revenue in accordance with procedures in the regulations. Economic Stabilization Regulations, § 300.18(c)(2), 37 F.R. 14312 (1972).

Issue. Must Hospital A seek an exception from the Price Commission to charge these prices for its new services?

Ruling. No. The 6 percent limitation of § 300.18(c)(2) applies to the effect of price increases above the base price. The increase in aggregate annual revenues must result from the charging of prices above the base price. Since Hospital A is charging its base prices, it does not need an exception, even though its aggregate annual revenues will increase at an annualized rate in excess of 6 percent over those of its last fiscal year.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: August 22, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 22, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-14574 Filed 8-25-72;8:51 am]

[Price Commission Ruling 1972-229]

DEFINITION—INSTITUTIONAL PROVIDER OF HEALTH

Price Commission Ruling

Facts. X Corporation, a large conglomerate, has business interests in various fields. Of the subsidiaries, one operates an inpatient health care facility.

Issue. Is the whole corporation considered an institutional provider of health governed by Economic Stabilization Regulation, 6 CFR 300.18 (1972)?

Ruling. Only the subsidiary of X, which provides health services is amenable to Regulation 300.18. Regulation 300.18(a)(3) defines an institutional provider of health services to "include any person covered by paragraph (a) of Appendix I to this part." Appendix I, Part (a) states that institutional providers of health services subject to § 300.18 owned or operated by any person include any hospital, * * * and any other organization (or part of an organization).

Part of an organization refers to a subsidiary operation such as we have in this instance. Only the health care subsidiary is subject to § 300.18.

This ruling has been approved by the general counsel of the Price Commission.

Dated: August 21, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 21, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-14577 Filed 8-25-72;8:51 am]

[Price Commission Ruling 1972-230]

TRUST SERVICES

Price Commission Ruling

Facts. State law permits financial institutions acting as trustees to charge as a fee 5 percent of the trust's annual income plus either one-fifth of 1 percent of the principal each year or 5 percent of the principal upon termination of the trust. Pursuant thereto, 95 percent of the trusts administered by Bank X are charged the regular fee of 5 percent of income annually plus one-fifth of 1 percent of principal annually. The remaining 5 percent are charged 5 percent of income annually plus 5 percent of principal upon termination.

Trust Y has been administered by X for the past 40 years. During this time X has consistently charged trust Y 5 percent of income annually and elected to wait until termination for collection of 5 percent of principal. On November 23, 1971, as allowed by State law, X began charging trust Y one-fifth of 1 percent of the trust principal each year, in addition to the regular 5 percent of income annually. Thus, X has forfeited the option of collecting 5 percent of principal upon termination.

X has experienced no increase in allowable costs.

Issue. Does an unauthorized price increase occur when X institutes on November 23, 1971, the collection of one-fifth of 1 percent of the principal of trust Y?

Ruling. In the administration of trusts, X is performing a service, as defined in Economic Stabilization Regulations, 6 CFR 300.5 (1972), and charges therefor are governed by Economic Stabilization Regulations 6 CFR 300.14 (1972) relating to service organizations. Section 300.14 generally provides that a service organization may charge a price in excess of base price only to reflect increases in allowable costs. Base price is determined by an application of the 10-percent rule of Economic Stabilization Regulations, § 300.405(a), 37 F.R. 11472 (1972).

X has not made an unauthorized price increase by instituting the collection of one-fifth of 1 percent of trust principal each year. The difference between the methods used by X in charging its trustee's fees is not based upon a customary price differential as that term is defined in § 300.5. State law permits a choice of either of two methods. In choosing not to charge one-fifth of 1 percent of trust principal each year X is not establishing a price distinction between that trust and other trusts administered by X, since State law specifically permits the election to take one-fifth of 1 percent of trust principal each year to be made at any time.

Thus, X has only one class of customer, as defined in § 300.5, in the administration of trusts. As applied to these facts, the 10-percent rule of § 300.405(a) for determining base price indicates that the highest price at which its trust services were priced during the freeze base period, as defined in § 300.5, is 5 percent of annual income plus one-fifth of 1 percent of trust principal annually. In such case, X has not increased its fee for trust Y beyond its base price.

This ruling has been approved by the general counsel of the Price Commission.

Dated: August 22, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 22, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-14578 Filed 8-25-72;8:51 am]

[Price Commission Ruling 1972-231]

PRICE INCREASE WITH RESPECT TO EARLY PAYMENT DISCOUNT

Price Commission Ruling

Facts. Company A makes athletic footwear. Advance orders for the footwear are taken by its salesmen who forward a copy of the order to A's home office where the order is processed into its computer for shipment on the desired date. There is no formal procedure for confirming the order to the customer. The customer may cancel or revise his order without penalty. A may cancel portions of the order where it does not have the full amount of sizes or colors required on shipment date.

Effective August 1, 1971, A changed its advance order terms for the footwear. The change related to the 2 percent early payment discount. For orders received on August 1, 1971 and after, a 2 percent early payment discount from net price is available over a shorter period of time after shipment than the same 2 percent discount was available for orders received prior to August 1.

Several advance orders for the footwear were received between August 1 and August 15, 1971. Shipment pursuant to the advance orders under the new terms is not made until December 1971, and after. Applicable local law holds that the advance order is a mere offer to purchase the footwear and a contract does not come into being until A accepts by delivery.

A has not experienced any allowable cost increases to justify a price increase under the provisions of Economic Stabilization Regulations, 6 CFR 300.12 (1972).

Issue. Does a lessening of the period over which the 2 percent early payment discount is available constitute an unauthorized price increase?

Ruling. Yes. Company A is a "manufacturer", as defined in § 300.5, since it carries on the trade or business of making athletic footwear for sale to its customers. Section 300.12 generally provides that a manufacturer may charge a price in excess of base price only to reflect increases in allowable costs incurred since the last price increase on the item concerned, or that it incurred after January 1, 1971, whichever is later. Base price with respect to a sale of a unit of personal property to a specific class of purchasers is the highest price, at or above which, at least 10 percent of those units were priced by the seller in transactions with that class of purchasers during the freeze base period. Economic Stabilization Regulations, § 300.405, 37 F.R. 11472 (1972). "Freeze base period" means either (1) the period beginning on July 16, 1971 and ending on August 14, 1971, or (2) for a person who had no transactions during the period in (1), the nearest preceding 30-day period in which he had a transaction. Economic Stabilization Regulations, 6 CFR 300.5 (1972). Thus, to determine whether there has been a price increase prohibited by § 300.-11(a), the 10 percent rule shall be applied with respect to contracts which came into being during the freeze base period. Since no contracts incorporating A's new advance payment terms came into being during the freeze base period, base price determined under the provisions of § 300.405(a) is computed only with respect to those contracts incorporating the former advance payment terms.

A decrease in the quality of substantially the same services is a price increase. Economic Stabilization Regulations, 6 CFR 300.5 (1972). Offering the customer an opportunity to receive a 2 percent discount from net price is a service provided in the course of a sale to the customer. A lessening of the period over which the 2 percent early payment discount is available is a decrease in the quality of substantially the same service. Thus, an unauthorized price increase has occurred with respect to those payments which are affected by the lessening of the period over which the 2 percent early payment is available, since the increase over base price, as computed under § 300.405(a), is not a result of allowable cost increases. Those payments which are affected by the lessening of the period over which the 2 percent early payment discount is available are those payments which would have qualified for the 2 percent discount but for the change in its terms. The measure of the unauthorized price increase is the difference between payment and the amount of payment had the 2 percent discount been available to the customer, or 2 percent of net price.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: August 22, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 22, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-14579 Filed 8-25-72;8:51 am]

[Price Commission Ruling 1972-233]

HEALTH MAINTENANCE ORGANIZATION

Price Commission Ruling

Facts. X, a Health Maintenance Organization, desires to increase rates it charges to its subscribers. The Health Maintenance Organization consists of an organizational and management unit and a medical unit. The rate increase to the subscribers would raise payments by 10 percent per year.

Issue. Is X limited in raising its rates to subscribers by Economic Stabilization Regulation, 6 CFR 300.18 (1972)?

Ruling. A Health Maintenance Organization is governed by Economic Stabilization Regulations, 6 CFR 300.18 and 300.20 (1972). Price Commission Ruling 1972-129, 37 F.R. 7718 (1972) provided "Health Maintenance Organizations, for the purposes of the Commission's health services regulations, shall be considered institutional providers and subject to the provisions of § 300.18 of the regulations." This language is limited to the situation where the HMO adjusts its rates either with a contracting hospital or with its own medical unit.

Regulation § 300.20(a) defines an insurer to mean any person who "by contract for a stipulated consideration undertakes to compensate another for loss on a specified subject; and is undertaking to provide medical or hospital services for a capitation fee". It is quite clear from this language that HMO is also considered an insurer as to the rate charged by the organizational unit to the HMO's subscribers. Such rates are not limited by § 300.18. However the rates charged by the medical unit to the organization unit are governed by § 300.18 (P.C. Ruling 1972-129).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: August 22, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 22, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-14581 Filed 8-25-72;8:51 am]

[Cost of Living Council Ruling 1972-107; Price Commission Ruling 1972-227]

EFFECT WHEN SMALL BUSINESS EXEMPTION IS LOST

Cost of Living Council and Price Commission Ruling

Facts. A Company is exempt under Economic Stabilization Regulation § 101.51, 6 CFR 101.51 (1972). B Company is a nonexempt firm. A Company raises its price beyond that which would be allowable under the Price Commission Regulations, 6 CFR 300.1 et seq. (1972) had it been nonexempt. A then merges into B (or is consolidated with B).

Issue. Must the price increase be rescinded?

Ruling. Yes. The surviving firm resulting from the merger (or consolidation) is not exempt under Economic Stabilization Regulation § 101.51, 6 CFR 101.51 (1972) because it will not meet the average number of employees test under paragraph (b)(3). Therefore, the firm cannot charge a price not authorized under the regulations. The price increase must be rolled back to an amount that is allowable under the regulations. The firm cannot continue to charge the increased price.

This ruling has been approved by the General Counsels of the Cost of Living Council and Price Commission.

Dated: August 23, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 23, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-14575 Filed 8-25-72;8:51 am]

[Cost of Living Council Ruling 1972-106; Price Commission Ruling 1972-228]

RENTAL OF BOAT SLIPS

Cost of Living Council and Price Commission Ruling

Facts. A landlord in California leases 1,000 residential units and also owns a marina from which he rents boat slips to his tenants, under separate leases. A tenant is not required to lease a boat slip but, most housing tenants pay two rents monthly, one for an apartment and one for a boat slip. Other persons who are not tenants also rent a few of the boat slips. A small number of the persons renting boat slips make their home on a boat moored in the slip.

Issue. How are charges for these boat slips regulated under the Economic Stabilization Program?

Ruling. At all times during Phase II of the Economic Stabilization Program, the amount paid by a nonresidential user of a boat slip who is a licensee rather than a lessee of that slip is controlled by the rule governing service organizations. On the other hand, the amount charged a person for the license or lease of a boat slip which the person uses as nontransient moorage for a boat he uses as a residence, would be subject to the rent regulations since the boat slip would then become part of a "residence" as that term is defined in § 301.2, 37 F.R. 23226 (1972) or § 301.2, 36 F.R. 25387 (1971). If the terms of an agreement for the use of a boat slip for nonresidential purposes creates a leasehold, the amounts paid under such an agreement would be rent for nonresidential property and exempt under 6 CFR 101.33(2)(i).

Boats slips used in conjunction with other residential real property are treated differently under the rent regulations in effect before and after July 4, 1972. When a separate lease is entered into with the same lessor for a boat slip and an apartment, the boat slip would be used "in connection with" the residence and thus, prior to July 4, would be controlled by the rent regulations. See § 301.3(a), 36 F.R. 25387 (1972). After July 4, if a boat slip rental is not "required" by the lessor in order to lease an apartment it would not be controlled by the rent regulations, but would still be subject to the rule for service organizations if applicable. See definition of "rent" and "residence" in § 301.2, 37 F.R. 13226 (1972).

This ruling has been approved by the General Counsels of the Cost of Living Council and the Price Commission.

Dated: August 22, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 22, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-14576 Filed 8-25-72;8:51 am]

[Price Commission Ruling 1972-232; Cost of Living Council Ruling 1972-108]

DEFINITION—PRICE INCREASE

Price Commission and Cost of Living Council Ruling

Facts. X corporation is a retail supermarket that has offered its customers during the freeze base period such services as trading stamps and personal check cashing. X now no longer desires to offer such services or conveniences to its customers.

Issue. Is the discontinuance of such services a price increase?

Ruling. The discontinuance of the trading stamps is a price increase, but the discontinuance of check cashing is not a price increase. By definition a price adjustment is "an increase in the unit price of property or services or a decrease in the quality of substantially the same property or services." Economic Stabilization Regulations, 6 CFR 101.2 (1972). Furthermore, Economic Stabilization Regulations, 6 CFR 300.5 (1971) defines a price increase as an increase in the unit price of property or service or a decrease in the quality of substantially the same property or services. For purposes of the regulations, a reduction or discontinuance of a service that is of direct economic benefit to the individual customer is considered to be a decrease in the quality of substantially the same property or services offered by retailer X. Thus, a decrease in the quality of a service which is of direct economic benefit to the customer constitutes a price increase. Trading stamps are a direct economic benefit to the consumer since they can be redeemed for valuable merchandise. The discontinuance of trading stamps, therefore, constitutes a price increase. On the other hand, check cashing is a convenience service which is not of direct economic benefit to the customer. The discontinuance of check cashing, therefore, does not constitute a price increase.

This ruling has been approved by the General Counsels of the Price Commission and the Cost of Living Council.

Dated: August 23, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 23, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-14580 Filed 8-25-72;8:51 am]

Office of the Secretary

MECHANICAL AIRFOAM LIQUID CONCENTRATES FROM CANADA

Determination of Sales at Not Less Than Fair Values

Correction

In F.R. Doc. 72-14001, appearing at page 16683, in the issue of Friday, August 18, 1972, the last paragraph should be changed to read as follows:

"This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 153.33(c), Customs Regulations 19 CFR 153.33(c))".

DEPARTMENT OF THE INTERIOR

National Park Service

[Order No. 1]

CHIEF, PARK ADMINISTRATION, NEW YORK DISTRICT OFFICE

Delegation of Authority Regarding Contracts and Purchase Orders

Delegation of authority regarding execution of contracts and purchase orders for equipment, supplies, or services.

1. Chief, Park Administration. The Chief, Park Administration, New York District Office, may execute, approve, and administer contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Chief, Park Administration, in behalf of any area administered by the Director, New York District Office.

2. This order supersedes New York City National Park Service Group Order No. 3 dated November 21, 1968.

(National Park Service Order No. 66 (36 F.R. 21218), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Northeast Region Order No. 7 (37 F.R. 6325), as amended)

JERRY D. WAGERS,
Director,
New York District Office.

[FR Doc.72-14523 Filed 8-25-72;8:46 am]

Office of the Secretary

CENTRAL AND FIELD ORGANIZATION

This notice is published in accordance with the provisions of subsection (a)(1) of section 552, title 5, United States Code, and supersedes the notice published in the November 6, 1970, FEDERAL REGISTER (35 F.R. 17125, as amended). The notice contains a description of the central and field organization of the Department of the Interior and lists places at which the public may obtain information including information regarding the making of submittals or requests and the functions of the various bureaus and offices of the Department. More specific information with respect to the course and method by which functions are performed, procedures, and substantive provisions are contained in the public regulations of the

Department. References to applicable public regulations are listed with each pertinent organization description.

Internal departmental regulations are published in the departmental manual which is available for inspection in the Department's library, Interior Building, Washington, D.C., and at each of the headquarters or regional offices of bureaus of the Department. The administrative manuals of those bureaus which have issued such documents are available for inspection at the headquarters offices and at the regional offices of the bureaus.

The numbering system used corresponds to that of the departmental manual.

Dated: August 18, 1972.

CHARLES G. EMLEY, Jr.,
Deputy Assistant Secretary of the Interior.

Sec.

110.1 *Organization—Office of the Secretary.* (For pertinent codified regulations see Code of Federal Regulations, Title 43, Subtitle A and Title 41, Chapters 14 and 114.)

The Office of the Secretary performs both line and staff functions in the overall management of the Department. The secretarial officers and the Solicitor exercise line authority in their respective fields of responsibility. This means that in these fields they have the authority to make final decisions affecting bureaus and offices and to issue directions to them. The secretarial offices advise and provide staff assistance to these officials.

In addition to the secretarial offices, other offices described below provide staff assistance to the secretariat and develop departmentwide policies in specific areas. Information on these offices may be obtained from the Director of the appropriate office, Department of the Interior, Washington, D.C. 20240.

110.1.1 *Secretary.* The Secretary of the Interior, as the head of an executive department, reports directly to the President and is responsible for the direction and supervision of all activities of the Department. He also has certain powers or supervisory responsibilities relating to territorial governments.

110.1.1A *Assistants to the Secretary.* An Executive Assistant to the Secretary serves as his personal aide and confidential adviser. Other Assistants or Special Assistants to the Secretary serve in varying capacities and/or head secretarial offices described in the following sections (Science Adviser, Office of Communications, Office of Congressional Liaison, Office of Legislation). The Assistant to the Secretary for Congressional Liaison is the Secretary's principal liaison with Members of the Congress and its committees.

110.1.2 *Under Secretary.* The Under Secretary assists the Secretary in the discharge of his duties and in the absence of the latter performs his functions. With the exception of certain matters requiring personal action by the Secretary, the Under Secretary has the full authority of the Secretary on any matter which comes before him.

110.1.3 *Assistant Secretary for Fish and Wildlife and Parks.* The Assistant Secretary for Fish and Wildlife and Parks discharges the duties of the Secretary with respect to the development, conservation, and utilization of the fish, wildlife, and national park resources of the Nation. The Assistant Secretary represents the Department in the coordination of marine and ocean resources programs with other Federal agencies. The Assistant Secretary exercises Secretarial direction and supervision over the Bureau of Sport Fisheries and Wildlife, and the National Park Service.

110.1.4 *Assistant Secretary—Mineral Resources.* The Assistant Secretary—Mineral Resources discharges the duties of the Secretary with respect to the development and utilization of minerals and fuels, including defense mineral and fuel activities, responsibility for mineral and fuel emergency organizations, and specified disaster assistance programs. The Assistant Secretary exercises Secretarial direction and supervision over the Office of Coal Research, Office of Oil and Gas, Bureau of Mines, and the Geological Survey, and provides coordination of Interior's operations with the Board on Geographic Names.

110.1.5 *Assistant Secretary—Public Land Management.* The Assistant Secretary—Public Land Management discharges the duties of the Secretary with respect to land utilization and management, territorial affairs, and Indian affairs. The administration of responsibilities for those territories under the jurisdiction of the Secretary is vested in a Deputy Assistant Secretary for Territorial Affairs. The Assistant Secretary exercises secretarial direction and supervision over the Bureau of Indian Affairs and the Bureau of Land Management.

110.1.6 *Assistant Secretary—Water and Power Resources.* The Assistant Secretary—Water and Power Resources discharges the duties of the Secretary with respect to the development of water and power and the coordination of programs concerned with water resources research. He is also responsible for carrying out the emergency preparedness and disaster assistance functions of the Secretary with respect to electric power and water resources. The Assistant Secretary exercises secretarial direction and supervision over the Bureau of Reclamation, Bonneville Power Administration, Southeastern Power Administration, Southwestern Power Administration, Alaska Power Administration, Office of Water Resources Research, and the Office of Saline Water.

110.1.7 *Assistant Secretary—Program Policy.* The Assistant Secretary—Program Policy discharges the duties of the Secretary with respect to outdoor recreation and to departmentwide programs related to interagency and interdisciplinary subjects concerning natural resources management and environmental quality, regional planning matters, comprehensive planning, economic analyses of departmental programs and natural and environmental resources issues, and the international activities of the Department. The Bureau of Outdoor Recreation and Secretarial Offices appropriately identified with these functions are under his supervision.

110.1.8 *Assistant Secretary—Management and Budget.* The Assistant Secretary—Management and Budget discharges the duties of the Secretary with respect to all phases of administrative management including budget, finance, compliance other than employment opportunities, management consulting services, personnel, procurement, property, audit, management operations, security, emergency preparedness, disaster assistance, library services, automatic data processing, direction of the Department's youth training and activities programs, and related activities. Secretarial offices appropriately identified with these functions are under his supervision.

110.1.9 *Solicitor.* The Solicitor is the principal legal adviser to the Secretary and the chief law officer of the Department. He is responsible for and has supervision over all legal work of the Department, with the exception of that performed by the Office of Hearings and Appeals.

110.3 *Field Committees and Field Representatives.* Field committees serving appropriate geographic areas are established to serve as an instrument for achieving Department policy objectives in coordination at field level. Field committees are composed of regional directors or other ranking officials appointed by the heads of bureaus and offices. The departmental field committees promote the development and execution of coordinated regional natural resource programs for the Department and facilitate the coordination of field activities which involve two or more bureaus or which have special significance to the Department's overall objectives. The field committees have no supervisory relationship or responsibility with respect to bureau programs and operations.

The principal functions of the field representatives are to serve as observation posts for the Secretary, to maintain continuous surveillance over the entire range of the Department's program activities, and to provide leadership and assistance in the coordination of programs and policies of the Secretary. The field representatives chair the Department's field committees, and coordinate matters of program and policy in the field where more than one bureau or program interest is involved. The field representatives serve as departmental representatives on various interagency river basin committees and on Federal-State river basin commissions authorized by the Water Resources Planning Act of 1965.

REGIONAL ASSIGNMENTS

Field committee area	*Field representative address*
Northeast: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Maryland, Delaware, Virginia, New Jersey, and West Virginia.	John F. Kennedy Federal Building, Room 2003K, Government Center, Boston, Mass. 02203.
Southeast: Tennessee, Kentucky, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida, Puerto Rico, and the Virgin Islands.	404 Financial Services Building, 148 Cain Street NE., Atlanta, GA 30303.
North Central: Ohio, Indiana, Michigan, Illinois, Wisconsin, and Minnesota.	2510 Dempster Street, Des Plaines, IL 60016.
Missouri Basin: North Dakota, South Dakota, Nebraska, Iowa, Missouri, Kansas, Colorado, Wyoming, Montana, and Utah.	Building 67, Room 590, Denver Federal Center, Denver, Colo. 80225.
Southwest: Louisiana, Arkansas, Oklahoma, Texas, and New Mexico.	517 Gold Avenue SW., Federal Building, Albuquerque, NM 87101.
Pacific Southwest: Arizona, Nevada, California, and Hawaii.	450 Golden Gate Avenue, Post Office Box 36098, San Francisco, CA 94102.
Pacific Northwest: Idaho, Oregon, and Washington.	Bonneville Building, Room 702, 1002 Northeast Holladay Street, Post Office Box 3621, Portland, OR 97208.
Alaska: Alaska.	338 Denali Street, Mackay Building, Suite 1407, Anchorage, AK 99501.

110.4 *Office of the Science Adviser.* The Science Adviser to the Secretary serves as staff adviser to the Secretary and assists in carrying out the Secretary's responsibilities for the policy direction coordination, control, and administration of the scientific research activities and programs within the bureaus and offices of the Department.

110.5 *Office of Communications.* The Office of Communications exercises technical and general functional supervision over all information activities of the Department. The Office of Communications, Northwest Regional Office located in Portland, Oreg., assists and directs the information programs of bureaus operating in that area.

110.6 *Office of Congressional Liaison.* The Office of Congressional Liaison is the principal liaison between the Secretary and the committees and individual members of Congress. The Office coordinates and handles a variety of requests and inquiries from members of Congress.

110.7 *Office for Equal Opportunity.* The Office for Equal Opportunity oversees, coordinates, and obtains compliance with title VI of the Civil Rights Act of 1964 (78 Stat. 241), related statutes, and applicable Executive orders. The office establishes the policies required to meet the responsibilities of the Office of the Secretary for the Department of the Interior's programs, develops and administers procedures and regulations to carry out these policies, and oversees the Department's activities to insure compliance with these policies and procedures.

110.8 *Office of Legislation.* The Office of Legislation is responsible for the unification and coordination of the Department's legislative program and its presentation to the Office of Management and Budget and the Congress. The Office reviews all legislative documents submitted by the bureaus and offices, prepares coordinated reports, and coordinates and arranges departmental representations at congressional hearings.

111.1 *Organization—Other Departmental Offices.* The phrase "other departmental offices" is used to identify collectively the following described offices that are neither a part of the Office of the Secretary nor a bureau of the Department. Information concerning these offices may be obtained from the Director of the appropriate office, Department of the Interior, Washington, D.C. 20240.

111.2 *Office of the Solicitor.* The Office of the Solicitor performs all legal work for the entire Department with the exception of that performed by the Office of Hearings and Appeals, and specified territorial matters. In addition to the legal work directly concerned with the programs and activities of the Department, the Office of the Solicitor handles matters relating to torts, other claims, and inventions by personnel of the Department. The Solicitor is assisted by a Deputy Solicitor, eight Associate Solicitors, and a staff of attorneys in Washington. In the field, eight Regional Solicitors supervise Field Solicitors and attorneys within their respective regions.

Office and Address
Anchorage, Alaska, Federal Building, 99501.
Atlanta, Ga., 148 Cain Street NE., 30303.
Denver, Colo., Denver Federal Center, 80225.
Philadelphia, Pa., Second Bank Building, 19106.
Portland, Oreg., Federal Building, 97208.
Sacramento, Calif., Federal Building, 95825.
Salt Lake City, Utah, Federal Building, 84111.
Tulsa, Okla., Post Office and Federal Building, 74103.

111.3 *Johnny Horizon Program Office.* (For pertinent codified regulations, see Code of Federal Regulations, Title 43, Part 25.)

The Johnny Horizon Program Office was established in the Office of the Secretary of the Interior on July 3, 1972, to administer the public service antilitter program established by Public Law 91-419 (84 Stat. 870). The program was formerly administered by the Bureau of Land Management. The Office provides the overall Departmentwide direction and supervision of the program to foster, implement, and coordinate the antilitter campaign efforts of the Department, other agencies, and private organizations, and to stimulate the use of "Johnny Horizon" as the official symbol of a public service program to maintain the beauty and utility of the Nation's public lands.

111.5 *Office of Oil and Gas.* (For pertinent codified regulations, see Code of Federal Regulations, Title 32A, Chapter X.) The Office of Oil and Gas serves as a focal point for leadership and information on petroleum matters in the Federal Government and the principal channel of communication between the Federal Government, the petroleum industry, and the oil producing States. The Office discharges the responsibilities of the Secretary of the Interior imposed by Proclamation 3279 concerning imports

of petroleum and petroleum products into the United States. It also maintains the capability to respond effectively to emergencies affecting the Nation's supply of oil and gas.

This Office, under the Assistant Secretary—Mineral Resources allocates commodities and issues import licenses in the administration of the oil import program; develops and interprets information used in formulating domestic and international Government policies and programs for oil and gas; and maintains the Emergency Petroleum and Gas Administration (EPGA) in standby readiness to mobilize and direct the Nation's petroleum and gas industries in the event of a national emergency. It provides leadership to the Federal Interagency Petroleum Statistics Program, provides advice and information on petroleum matters, and conducts an active interchange of information with the oil and gas industries. It maintains liaison with the Interstate Oil Compact Commission and the conservation agencies of the oil producing States, and participates in a number of international groups having responsibilities for oil and gas.

111.6 *Office of Water Resources Research.* (For pertinent codified regulations see Code of Federal Regulations, Title 18, Chapter IV.)

The Office of Water Resources Research (OWRR), under the supervision of the Assistant Secretary—Water and Power Resources, administers the program of water resources research and training authorized by the Water Resources Research Act of 1964, as amended (78 Stat. 329, 80 Stat. 129; 42 U.S.C. 1961). Major program purposes involve the resolution of local, State, and nationwide water resource problems; training of water scientists and engineers; water research coordination; and the application of research results through dissemination of information.

Title I of the act authorizes OWRR to provide annual fund allotments to support research and related training and technology transfer activities of one university or college water resources research institute in each State and in Puerto Rico, the District of Columbia, the Virgin Islands, and Guam. Other universities and colleges may participate in the title I program work of the designated institutes.

Under title II of the act, grants and contracts are made with academic, private, public, or other organizations and individuals having water research competence for support of urgently needed water resources research work.

OWRR also operates a water resources scientific information center for disseminating information to the Nation's water resource community regarding ongoing research projects and the results obtained from completed water resources research studies and investigations.

111.7 *Office of Saline Water.* The Office of Saline Water, under the supervision of the Assistant Secretary—Water and Power Resources, performs functions vested in the Secretary of the Interior by the act of July 29, 1971 (85 Stat. 159). This act authorizes the Secretary of the Interior to conduct research, development, and demonstration of practical means to convert saline and other chemically contaminated water to a quality suitable for municipal, industrial, agricultural, and other beneficial uses and for studies and research related thereto.

Functions of the Office of Saline Water include basic scientific research and fundamental studies to develop effective and economical processes and equipment for the purpose of converting saline and other chemically contaminated water into water suitable for beneficial consumptive uses; engineering and technical work including the design, construction, and testing of pilot plants, test beds, and modules to develop desalting processes and plant design concepts to the point of demonstration on a practical scale; studying methods for the recovery and marketing of byproducts resulting from the desalination of water to offset the costs of treatment and to reduce impact on the environment from the discharge of brines into lakes, streams, and other waters; undertaking economic studies and surveys to determine present and prospective costs of producing water for beneficial consumptive purposes as compared with other standard methods; and investigating potential cooperative agreements with non-Federal utilities and governmental entities in order to develop recommendations for Federal participation in the construction, operation, and maintenance of prototype plants utilizing desalting technologies for the production of water for consumptive use.

Test facilities are operated at Freeport, Tex.; Webster, S. Dak.; Roswell, N. Mex.; San Diego, Calif.; Wrightsville Beach, N.C., and Fountain Valley, Calif.

The organization of the Office of Saline Water comprises the Office of the Director, which includes information, program analysis, administrative management, and desalting feasibility and economic studies functions. Three assistant directors for research, engineering, and development, and project management and plant engineering exercise supervision in their respective functional areas.

111.9 *Defense Electric Power Administration.* Defense Electric Power Administration (DEPA), under the supervision of the Assistant Secretary—Water and Power Resources, performs the emergency preparedness functions for disaster assistance and national emergencies covering electric power and in the event of a declared civil defense emergency, exercises the authority of the Secretary of the Interior with respect to electric power.

The DEPA organization consists of a Washington headquarters; field organization composed of 17 power areas, each under an Area Power Director; and Electric Power Liaison Representatives located at OEP and OCD regional headquarters as well as State, and local headquarters.

DEPA develops and maintains plans to provide a state of readiness in electric power for all conditions of national emergency. In this work, DEPA performs those functions specified in Executive Order 11490 of October 30, 1969, which apply to electric power. In a declared emergency its functions would be to assure that an adequate power supply was available to meet defense and essential civilian needs.

111.11 *Office of Coal Research.* The Office of Coal Research, under the supervision of the Assistant Secretary—Mineral Resources, seeks to develop through research new and more efficient methods of mining, preparing, and utilizing coal.

All research is performed by contracts with public and private organizations. Generally, contracts are awarded on the basis of unsolicited proposals. In some instances, OCR may request or advertise for proposals in a specific research area.

OCR projects stress applied research and development, rather than basic research. Selected projects may be carried through the pilot plant stage. From this stage of development private industry can be reasonably expected to carry them to commercialization.

The Office consists of two divisions: Contracts and Administration and Research and Development.

Inquiries should be addressed to: Director of Coal Research, Office of Coal Research, U.S. Department of the Interior, Washington, D.C. 20240.

111.13 *Office of Hearings and Appeals.* The Office of Hearings and Appeals, within the Office of the Secretary of the Interior, was established to consolidate related quasi-judicial functions of the Department and to provide more effective departmental appeals procedures. The headquarters organization includes a Hearings Division and formal appeals boards, namely, Board of Contract Appeals, Board of Indian Appeals, Board of Land Appeals, and Board of Mine Operations Appeals. Included also in the Office is the Oil Import Appeals Board, comprised of a representative each from the Departments of the Interior, Justice, and Commerce.

Hearing examiners and the boards of appeal render decisions in cases pertaining to the contracting activities of the Department; Indian probate matters; use and disposition of public lands and their resources and the use and disposition of mineral resources in certain acquired lands of the United States and in the submerged lands of the Outer Continental Shelf; mine operations health and safety; appeals from importers who request a change in their quota or who do not qualify for a quota under the mandatory quota system of the Department's oil import program, pursuant to Presidential Proclamation No. 3279, as amended; and enforcement of restrictions on the importation and transportation of rare and endangered species.

The Director of the Office may assign hearing examiners for the purpose of holding rule making hearings and he may also assign hearing examiners or establish ad hoc boards of appeal to meet special requirements of cases not falling under one of the previously listed categories, including appeals relating to claims for reimbursement under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; appeals in employee grievance and adverse action proceedings under the Department's Employee Adverse Actions Administrative Appeals System and its Employee Grievances and Administrative Appeals System; proceedings for the imposition of sanctions under sections 209(a) (1), (5), and (6) of Executive Order 11246, as amended, for violations of the Executive order which requires equal opportunity for all persons without regard to race, creed, color, sex, or national origin, employed or seeking employment with Government contractors or with contractors performing under federally assisted construction contracts; and hearings, appeals, and administrative review proceedings, pursuant to title VI of the Civil Rights Act of 1964 and 43 CFR Part 17, concerning nondiscrimination in federally assisted programs in connection with which Federal financial assistance is extended under laws administered in whole or in part by the Department of the Interior.

Decisions of the Boards are final for the Department.

There are two offices in the field for departmental hearing examiners and eight field offices for Indian probate hearing examiners.

FIELD OFFICE LOCATIONS

DEPARTMENTAL HEARING EXAMINERS

(1) Salt Lake City, Utah.
(2) Sacramento, Calif.

HEARING EXAMINERS (INDIAN PROBATE)

(1) Gallup, N. Mex.
(2) Billings, Mont.
(3) Minneapolis, Minn.
(4) Phoenix, Ariz.
(5) Portland, Oreg.
(6) Sacramento, Calif.
(7) Tulsa, Okla.

DEPARTMENT OF THE INTERIOR

BUREAU OF MINES

Statement of Organization

115.1 *Bureau of Mines.* (For pertinent codified regulations see Code of Federal Regulations, Title 30, Chapter I.)

Objectives. The Bureau of Mines conducts programs of inquiry and regulatory programs necessary to inform the Government and to stimulate the private sector in production of minerals and fuels to supply an appropriate and substantial share of the national needs in a manner that is acceptable to the public interest. Toward these objectives the Bureau performs research, provides information to the public, and conducts programs pertinent to the extraction, processing, use, reuse, and disposal of minerals and mineral fuels. Additionally, the Bureau enforces laws and regulations directed to achieving the Nation's supplies of minerals and fuels without objectionable costs in terms of the health and safety of the workers in the industries; and without objectionable environmental and social effects and costs.

Organization. The Bureau is composed of a headquarters in Washington, D.C., and a field organization. The headquarters is divided into three functional categories: (1) Program administration including planning, administrative/management, and information functions which support all of the Bureau activities; (2) a health and safety activity responsible for compliance and enforcement obligations and powers; and (3) a mineral resources and environmental development activity responsible for research, resources, and environmental activities, and the formulation of mineral resource-related policy. Field activities include: (1) Two administrative field offices; (2) in the health and safety function: coal and metal/nonmetal mine health and safety district and subdistrict offices, a Federal mine health and safety academy, and training and technical support centers; (3) in the mineral resources and environmental development function: mining, metallurgy, and energy research centers and laboratories, and field operations centers; and (4) in the planning function: a system of State liaison offices.

Mineral resources and environmental development. Functions include surveillance and evaluations of the industrial and commercial outlook for minerals and fuel deposits; studies to determine the relationship of mineral supply, availability, demand and technology to the national and world economy; studies and projects concerning the relationship of the mineral industries to environmental problems; collection, evaluation, and publication of mineral industry statistics; and conducting engineering studies regarding effective mining practices. Also included are research programs concerning extraction, processing, use, and disposal of minerals, mineral fuels, and helium production.

Health and safety. Programs are conducted to control health hazards and to reduce fatalities and injuries in the mineral industries in conformance with the provisions of law. This is accomplished through studies, research, experiments, and demonstrations as may be appropriate for mine inspections, field investigations, approval and testing of mining equipment and protective devices, analysis of accident statistics, safety education, training and motivation, and developing and enforcing mandatory safety standards.

For further information, contact the Office of Mineral Information, Bureau of Mines, Department of the Interior, Washington, D.C. 20240. Phone 343–4964.

120.1 *Geological Survey.* (For pertinent codified regulations see Code of Federal Regulations, Title 30, Chapter II.)

Objectives. The broad objectives of the Geological Survey are to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States; classify land as to mineral character and water and power resources; enforce departmental regulations applicable to oil, gas and other mining leases, permits, licenses, development contracts, and gas storage contracts; and publish and disseminate data relative to the foregoing activities.

Organization. The Geological Survey consists of a headquarters organization, most of which is in Washington, D.C., and a field organization made up of three regional offices and other subordinate field offices. The regional offices are headquartered at Menlo Park (California), Denver (Colorado), and Arlington (Virginia).

Activities. The Geological Survey is assigned the responsibility of performing the following functions:

Conservation. Classify Federal lands as to their value for leasable minerals or for reservoir and waterpower sites; supervise the operations of private industry on mining and oil and gas leases on public domain, acquired, Indian, Outer Continental Shelf, and certain Naval Petroleum Reserve lands; maintain production accounts and collect royalties; prepare and publish maps and reports of mineral and water resources investigations on Federal lands; and provide geologic and engineering advice, evaluations, and inspection services for the management and disposition of the public domain.

Geology. Make geologic surveys and investigations to increase understanding of the land area of the United States and of the adjacent continental margins. Conduct broad and highly diversified research programs in the principles and instrumentation of geology, geophysics, and geochemistry. Provide information on the character, magnitude, location, and distribution of national resources as well as on the processes involved in their formation. Information thus developed provides a basis for many critical decisions and actions including location and development of mineral and energy resources, land management and use, urban planning and development, construction practices, and environmental and health problems.

Topographic mapping. Prepare, publish, and revise maps of the National Topographic Map Series, covering the United States and its outlying areas. Operate the Map Information Office, which collects and furnishes information concerning maps, aerial photography, and control survey data. Coordinate mapping activities financed by Federal funds and provide for transfer of map-related information to the National Map Information Office. Conduct research in topographic surveying and mapping. Prepare and publish, in cooperation with contributing organizations, the National Atlas of the United States. Carry out research on domestic geographic names and provide staff assistance to the Board on Geographic Names in its standardization of names for Federal usage.

Water resources. Determine the source, quantity, quality, distribution, movement, and availability of both surface

and ground waters. This work includes investigations of floods and shortages of water supply, their magnitude, frequency, and relation to climatic and physiographic factors; the evaluation of available waters in river basins and ground-water provinces, including water requirements for industrial, domestic, and agricultural purposes; the determination of the chemical and physical quality of water resources and its relationship to various parts of the hydrologic cycle; special hydrologic studies of the interrelations between climate, topography, vegetation, soils, and the water supply; research to improve the scientific basis of investigations and techniques; scientific and technical assistance in hydrologic fields to other Federal agencies and to licensees of the Federal Power Commission. As prescribed by Bureau of the Budget Circular No. A–67, coordinate Federal water data acquisition activities, which includes designing and operating a national water data network, organizing the national network data, and maintaining a central catalog of information on water data and acquisition activities. The results of these investigations are published in the series of Geological Survey publications.

EROS Program. The Earth Resources Observation Satellite is a departmental program for acquiring, processing, distributing, and applying remote sensor data collected from aircraft and spacecraft toward the solution of resources and environmental problems.

For further information, contact the Information Officer, Geological Survey, GSA Building, Washington, D.C. 20242. Phone 343–4646.

130.1 *Bureau of Indian Affairs.* (For pertinent codified regulations see Code of Federal Regulations, Title 25, Chapter I; Title 41, Chapter 14H.)

Objectives. The principal objectives of the Bureau are to actively encourage and train Indian and Alaska native people to manage their own affairs under the trust relationship to the Federal Government; to facilitate, with maximum involvement of Indian and Alaska native people, full development of their human and natural resource potentials; to mobilize all public and private aids to the advancement of Indian and Alaska native people for use by them; and to utilize the skill and capabilities of Indian and Alaska native people in the direction and management of programs for their benefit.

Organization. The Bureau of Indian Affairs consists of a central office in Washington, D.C., and area offices and subordinate field installations located throughout the country. The field installations include Indian agencies, boarding schools, and irrigation projects.

Activities. The Bureau works with Indians and Alaska native people, other Federal agencies, State and local governments, and other interested groups in the development and implementation of effective programs for their advancement; seeks for them adequate educational opportunities; actively promotes the improvement of their social welfare; works with them in the development and implementation of programs for their economic advancement and for full utilization of their natural resources consistent with the principles of resource conservation; and acts as trustee for their lands and moneys held in trust by the United States.

AREA OFFICES—BUREAU OF INDIAN AFFAIRS

Area and Headquarters

Aberdeen, S. Dak., 820 South Main Street, 57401.
Albuquerque, N. Mex., 5301 Central Avenue NE., 87108.
Anadarko, Okla., Federal Building, 73005.
Billings, Mont., 316 North 26th Street, 59101.
Juneau, Alaska, Box 3–8000, 99801.
Minneapolis, Minn., 831 Second Avenue South, 55402.
Muskogee, Okla., Federal Building, 74401.
Navajo Area Office, Window Rock, Ariz., 86515.
Phoenix, Ariz., 124 West Thomas Road, 85011.
Portland, Oreg., 1425 Northeast Irving Street, 97208.
Sacramento, Calif., 2800 Cottage Way, 95825.

INDEPENDENT OFFICES

Cherokee Agency, Cherokee, N.C. 28719.
Choctaw Agency, Philadelphia, Miss. 39350.
Seminole Agency, 6075 Stirling Road, Hollywood, FL 33024.

For further information, contact the Office of Communications, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, DC 20242. Phone: 343–7445.

135.1 *Bureau of Land Management.* (For pertinent codified regulations see Code of Federal Regulations, Title 43, Chapter II.)

Objectives. The Bureau classifies, manages, and disposes of the public lands and their related resources according to the principles of multiple use management.

Organization. The Bureau organization consists of the headquarters in Washington, D.C., three detached offices having Bureauwide responsibilities, a basic field organization of State and district offices, and other field offices which perform limited functions.

Activities. The Bureau is responsible for the management of 60 percent of the Nation's Federal lands and administers the Federal laws pertaining to these lands.

Public land resources managed by the Bureau include timber, minerals, wildlife habitat, livestock forage, public recreation values, and open space. Bureau programs, provide for the protection, orderly development, and use of all these resources. It manages watersheds to protect soil and enhance water quality, develops recreation opportunity on public land, and makes public land available through sale or lease to individuals, organizations, local governments, and other Federal agencies when such transfer is in the public interest.

The Bureau is responsible for the survey of Federal lands and maintains public land records. It is responsible for mineral leasing on much of the public land held by other Federal agencies and for leasing the mineral deposits of the Outer Continental Shelf.

PRINCIPAL FIELD OFFICES—BUREAU OF LAND MANAGEMENT

State and Headquarters

Eastern States—7981 Eastern Avenue, Silver Spring, MD 20910.
Alaska—555 Cordova Street, Anchorage, 99501.
Arizona—Federal Building, Phoenix, 85025.
California—Federal Building, 2800 Cottage Way, Sacramento, 95825.
Colorado—Colorado State Bank Building, 1600 Broadway, Denver, 80202.
Idaho—Federal Building, Boise, 83702.
Montana—Federal Building and U.S. Courthouse, Billings, 59101.
Nevada—Federal Building, Reno, 89502.
New Mexico—U.S. Post Office and Federal Building, South Federal Place, Box 1449, Santa Fe, 87501.
Oregon—729 Northeast Oregon Street, Portland, 97208.
Utah—Federal Building, Salt Lake City, 84111.
Wyoming—O'Mahoney Federal Center, Cheyenne, 82001.

OUTER CONTINENTAL SHELF OFFICE

Post Office Box 53226, Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

SERVICE CENTERS

Denver Area—Federal Center Building 50, Denver, Colo. 80225.
Portland Area—Post Office Box 3861, Portland, Oreg. 97208.

BOISE INTERAGENCY FIRE CENTER

3905 Vista Avenue, Boise, Idaho 83705.

For further information, contact the Office of Information, Department of the Interior, Washington, D.C. 20240. Phone: 343–5717.

140.1 *U.S. Fish and Wildlife Service.* (For pertinent codified regulations see Code of Federal Regulations, Title 50, Chapter IV.) The U.S. Fish and Wildlife Service was created in the Department of the Interior on November 6, 1956, as provided by the Fish and Wildlife Act of 1956 (70 Stat. 1119). The functions of the Service within the Department are administered under the supervision of the Assistant Secretary for Fish and Wildlife and Parks.

142.1 *Bureau of Sport Fisheries and Wildlife.* (For pertinent codified regulations, see Code of Federal Regulations, Title 50, Chapter I.)

Objectives. The mission of the Bureau of Sport Fisheries and Wildlife is to assure maximum opportunity for the American people to benefit from fish and wildlife resources as part of their natural environment. The following broad objectives have been established to accomplish this mission: Stewardship of the resources, which entails preservation of endangered species, maintenance of breeding stocks, encouragement of marginal species, and control of population imbalances, including mitigation of economic damages caused by wildlife, utilization of the resource, meaning distribution of recreational benefits equitably, and maintenance of quality recreational experiences; and improvement and maintenance of the wildlife environment, including the preservation of unique ecosystems, reduction of contaminants and acquiring and disseminating knowledge and taking action to prevent environmental deterioration for fish and wildlife.

Organization. The Bureau of Sport Fisheries and Wildlife consists of a headquarters office at Washington, D.C., six regional offices, an Alaska area office,

wildlife refuges, fish hatcheries, research laboratories, and other offices located in the 50 States.

Activities—fishery programs. The Bureau has programs for research, development, and management of fish resources, Federal aid to State fish and wildlife agencies, and technical assistance in preserving and enhancing water and related resources for sport fishing. A system of nearly 100 fish hatcheries is operated for the propagation and distribution of various species of sport fishes, including trout, salmon, bass, and catfish. The stocking of public waters and farm fish ponds is carried out in cooperation with State fish and game departments.

Research is conducted on the nutritional, disease, and genetic factors that affect hatchery-raised fish, survival studies of planted hatchery fish, limnological and fish population studies of reservoirs and the Great Lakes, effects of channelization on fish populations, effects of thermal pollution, pesticides and heavy metals on fish, and restoration of anadromous fish populations.

To increase the value to the public of hatchery-raised fish, the stocking program is coordinated with State and Federal agencies, Indian tribes, and the public to furnish modern techniques for the management of fishing waters for the maximum public enjoyment.

Wildlife programs. The goal of these programs is to protect and enhance the values of the Nation's wildlife species, enjoyed through recreational hunting, bird watching, photography, and related activities. Research is conducted on waterfowl populations and habitat, other migratory birds, wildlife ecology on public lands, pesticide-wildlife relationships, disease and parasite problems, bird and mammal damage control methods, and ecological requirements and propagation of endangered wildlife species.

The approximately 30 million acre National Wildlife Refuge System includes 329 refuges and game ranges managed for migratory birds, protection of endangered species, public enjoyment of natural resources, and economic benefits from sales of land products and concessions. Wildlife surveys are carried out in cooperation with and under treaties with the Canadian and Mexican Governments, pursuant to the Migratory Bird Treaty Act and other Federal acts. These surveys provide information for the establishment of Federal hunting regulations monitored through a nationwide wildlife law enforcement program.

Professional advice is provided to increase the fish and wildlife productivity of Indian and other lands. Under the animal and bird damage control program, the Bureau helps States, counties, and other organizations in cooperative control of animals and birds which endanger human health or cause damage to crops, forests, or physical properties.

Training programs. Bureau, State, and private employees, students; and representatives of foreign governments secure training in fish and wildlife research and management programs at Bureau training centers, or in cooperative units functioning under agreements with universities and the fish and game department of the State where the unit is located. The Bureau operates Youth Conservation Corps camps throughout the Nation in the summer months.

Financial assistance programs. Funds are allotted annually to State fish and wildlife departments for use in fish and game management programs; the conservation and development of anadromous fish occur through a State-Federal cooperative program.

Environmental coordination and river basin studies. The Bureau studies environmental impact statements and water use projects proposed by Federal or private agencies for the probable effects of such projects on fish and wildlife resources and recommends measures for their conservation and development. Emphasis is placed on conservation of estuaries and development of comprehensive river basin plans which consider future recreational needs based on fish and wildlife.

Interagency program. Funds are received from other agencies to assist in Bureau programs such as land acquisition for recreation areas and for endangered species under the Land and Water Conservation Act; participation in planning and constructing fish and wildlife facilities on other agency water projects; operation of Job Corps centers; and insect and disease control in cooperation with USDA.

REGIONAL OFFICES—BUREAU OF SPORT FISHERIES AND WILDLIFE

Region	Regional or area director	Address/Phone
1. Portland, Oreg. 97208, Arizona,[2] California, Idaho, Nevada, Oregon, Washington, Hawaii.	John D. Findlay.	1500 Northeast Irving St. (503) 234-3361, Ext. 4050.
2. Albuquerque, N. Mex. 87103, Arkansas,[1] Louisiana,[2] New Mexico, Oklahoma, Texas.	Wilford O. Nelson, Jr.	Post Office Box 1306 (500 Gold Ave. SW.) (505) 843-2321.
3. Twin Cities, Minn. 55111, Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.	Travis S. Roberts.	Federal Bldg., Fort Snelling (612) 725-3500.
4. Atlanta, Ga. 30323, Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico.	C. Edward Carlson.	Peachtree-Seventh Bldg. (404) 526-5100.
5. Boston, Mass. 02109, Connecticut, Delaware, Maine, Maryland,[1] Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia,[1] West Virginia.	Richard E. Griffith.	U.S. Post Office and Courthouse (617)223-2,961.
6. Denver, Colo. 80215, Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming.	Merwin A. Marston.	15007 West Sixth Ave. (303) 234-2209.
Area Office: Anchorage, Alaska 99502.	Gordon Watson.	6017 Seward Highway (907) 344-2503.

[1] Effective Jan. 1, 1973, these States will be transferred from the Atlanta Region to the Boston Regional Office.

[2] The State of Arizona will be transferred from the Albuquerque Regional Office to the Portland Regional Office and the States of Arkansas and Louisiana will be reassigned from the Atlanta Region to the Albuquerque Region as soon as funds and other management aspects of the work can be coordinated.

For further information, contact the Office of Conservation Education, Interior Building, Washington, D.C. 20240. Phone 343-5634.

145.1 *National Park Service.* For pertinent codified regulations, see Code of Federal Regulations, Title 36, Chapter I.)

Objectives. The fundamental objective of the National Park Service is to promote and regulate the use of national parks, monuments, similar reservations in conformity with the act of August 25, 1916. This objective extends to the Service's activities in the preservation of American antiquities, historic and prehistoric sites and buildings, and properties of national historic or archeologic significance as well as the operations of recreation areas of national significance. Subsequent acts, Executive orders, and proclamations have expanded the responsibilities and activities of the Service and defined its mission (1) to manage the National Park System; and (2) to cooperate with other Federal agencies, Indians, States and local governments, private citizens and organizations in the preservation and interpretation of the Nation's natural and cultural heritage.

Organization. The National Park Service is composed of a headquarters staff in Washington, D.C.; one service center; six regional offices; the Office of National Capital Parks; and 285 field areas, which include national parks, monuments, recreation areas, and numerous categories of historic areas.

Activities. The programs carried on by the National Park Service stem primarily from its responsibility to provide and promote the use of areas for public enjoyment, and to protect the natural and historic resources comprising such areas. In fulfilling this purpose the National Park Service (1) manages a National Park System composed of almost 300 natural, historic, recreational, and cultural parks embracing 29.1 million acres in 47 States, Puerto Rico, and the Virgin Islands, together with the National Capital Park System of Metropolitan Washington, D.C., consisting of more than 300 units and 40,000 acres of urban parkland; (2) conducts national survey of historic sites and buildings, historic American buildings survey, historic American engineering record survey, nationwide archeological salvage program, studies of natural and historical themes, studies of natural and historic resources of the National Park System, and studies of historic Federal property declared surplus or proposed for demolition; (3) administers a system of national historic landmarks, national natural landmarks, and national environmental education landmarks; (4) maintains national register of historic places and registers of national historic landmarks, national natural landmarks, national environmental education landmarks, and research natural areas on Federal lands; (5) provides matching grants-in-aid to States and the National Trust for Historic Preservation for historical surveys and plans and for acquisition, restoration, and rehabilitation of historic and cultural prop-

erties; (6) provides technical and professional assistance to Federal, State, and local governments, and to public and private owners of natural, cultural and urban properties; (7) provides assistance to State and local governments in the development and use of a national environmental education program; (8) through cooperative agreements, administers recreation on lands under the jurisdiction of other Federal agencies; and (9) provides professional and administrative support to the Advisory Council on Historic Preservation; Advisory Board on National Parks, Historic Sites, Buildings, and Monuments; National Park Foundation; American Revolution Bicentennial Commission; and more than 25 other national, regional, and park advisory boards.

REGIONAL OFFICES—NATIONAL PARK SERVICE

Region and Headquarters

Northeast—143 South Third Street, Philadelphia, PA 19106.
Southeast—Scott-Hudgens Building, 3401 Whipple Street, Atlanta, GA 33044.
Midwest—1709 Jackson Street, Omaha, NE 68102.
Southwest—Box 728, Santa Fe, NM 87501.
Western—450 Golden Gate Avenue, San Francisco, CA 94102.
Pacific Northwest—Fourth and Pike Building, Seattle, Wash. 98101.
National Capital Parks—1100 Ohio Drive SW., Washington, DC 20242.

For further information, contact the Office of Information, National Park Service, Interior Building, Washington, D.C. 20240, Phone 343–6843.

148.1 *Bureau of Outdoor Recreation—Objectives.* The Bureau is responsible for promoting coordination and development of effective programs relating to outdoor recreation. In performing these responsibilities the Bureau reports to the Secretary through the Assistant Secretary—Program Policy. The Bureau carries out most of the responsibilities delegated to the Secretary under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601–4). Numerous functions are performed under the Federal Water Project Recreation Act (79 Stat. 213; 16 U.S.C. 4601–12, note).

Activities. Bureau responsibilities include activities regarding outdoor recreation needs and resources of the United States; classification of outdoor recreation resources; nationwide outdoor recreation plans; coordination of Federal plans and activities relating to outdoor recreation; research relating to outdoor recreation; and technical assistance to Federal departments and agencies. Under the Land and Water Conservation Fund Act of 1965, the Bureau also administers a program of financial assistance grants to States for the purpose of facilitating outdoor recreational planning, acquisition, and development activities. Under the provisions of the Federal Water Project Recreation Act, the Bureau participates directly in the planning, coordination, and establishment of uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multipurpose water resource projects.

Organization. The Bureau is composed of a headquarters staff in Washington, D.C., and seven regional offices.

REGIONAL OFFICES—BUREAU OF OUTDOOR RECREATION

Region and Headquarters

Northeast—1421 Cherry Street, Philadelphia, PA 19102.
Southeast—810 New Walton Building, Atlanta, Ga. 30303.
Lake Central—3853 Research Park Drive, Ann Arbor, MI 48104.
North Central—Denver Federal Center, Post Office Box 25387, Denver, CO 80225.
South Central—5301 Central Avenue NE., Albuquerque, NM 87108.
Northwest—1000 Second Avenue, Seattle, WA 98104.
Southwest—450 Golden Gate Avenue, San Francisco, CA 94102.

For further information, contact the Division of Personnel and Management, Bureau of Outdoor Recreation, Interior Building, Washington, D.C. 20240. Telephone: 343–4805.

155.1 *Bureau of Reclamation.* (For pertinent codified regulations, see Code of Federal Regulations, Title 43, Chapter I.)

Purpose. To stabilize and to promote the growth of local and regional economies through optimum development of water and related land resources throughout the 17 contiguous Western States. Reclamation projects provide for some of the following concurrent purposes: Irrigation water service, municipal and industrial water supply, hydroelectric power generation and transmission, water quality improvement, fish and wildlife enhancement, outdoor recreation, flood control, navigation, river regulation and control, and related uses.

Organization. The Bureau consists of the following principal segments: the Commissioner's Office at Washington, D.C., the Engineering and Research Center at Denver, Colo., seven regional offices, and project and other operating offices in the regions.

Activities. Functions of the Bureau encompass water and related land resources; water research programs; design and construction of authorized projects; operation and maintenance of projects; settlement of public or acquired lands on Bureau projects; administration of the Small Reclamation Projects Act of 1956 and loans for construction or rehabilitation of irrigation systems; and repayment contracts, water-user operation and maintenance contracts, and contracts relating to the irrigation of excess lands.

The Bureau has responsbility for the sale, interchange, purchase, or transmission of electric power and energy generated at certain specified powerplants.

In cooperation with other agencies, the Bureau: (1) Reviews environmental statements for proposed Federal water resource projects, (2) renders technical assistance to foreign countries in water resource development and utilization, and (3) administers youth conservation programs.

MAJOR FIELD OFFICES—BUREAU OF RECLAMATION

Office and Headquarters

Engineering and Research Center, Building 67, Denver Federal Center, Denver, Colo. 80225.
Pacific Northwest Region, 550 West Fourth Street, Boise, ID 83707.
Mid-Pacific Region, Federal Office Building, Sacramento, Calif. 95825.
Lower Colorado Region, Nevada Highway and Park Street, Boulder City, Nev. 69005.
Upper Colorado Region, 125 South State, Box 11568, Salt Lake City, UT 84111.
Southwest Region, Herring Plaza, 317 East Third, Box 1609, Amarillo, TX 79105.
Upper Missouri Region, 316 North 26th Street, Billings, MT 59103.
Lower Missouri Region, Building 20, Denver Federal Center, Denver, Colo. 80225.

Intergovernmental coordination within Federal standard regions is accomplished by the following field officials:

Region VI: Texas, Oklahoma, New Mexico; Regional Director, Amarillo, Tex.
Region VIII (& VII): Colorado, Utah, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas; Regional Coordinator, Denver, Colo.
Region IX: California, Nevada, Arizona; Regional Coordinator, Sacramento, Calif.
Region X: Washington, Oregon, Idaho; Regional Director, Boise, Idaho.

For further information, contact the Commissioner of Reclamation, Department of the Interior, Washington, D.C. 20240. Phone: 343–4662.

160.1 *Bonneville Power Administration—Objectives.* The Bonneville Power Administration, through a regionwide interconnecting transmission system, markets electric power and energy from Federal hydroelectric projects in the Pacific Northwest. Through interregional connections, it sells power, surplus to the needs of the Pacific Northwest, outside the region, and participates in other interregional exchanges of power.

Organization. The Administration consists of the headquarters office at Portland, Oreg.; a Washington, D.C., liaison office; and five area and three district offices located at various points in the Pacific Northwest.

Activities. Power is sold at wholesale to utilities and directly to electroprocess industries and to other Federal agencies. BPA negotiates contracts for the sale and exchange of electric power; prepares wholesale rates and repayment schedules; and constructs, operates, and maintains a transmission system.

The Administrator participates with other Government agencies and non-Federal groups in planning for the orderly development of the region's potential electric energy resources—hydro and thermal—to meet long-term power needs, and in the development, and implementation of operating agreements designed to achieve the most effective utilization and coordination of generating and transmission facilities. BPA in cooperation with the Corps of Engineers represents the United States in implementing the provisions of the Columbia River

Treaty with Canada for the joint development of the Columbia River. BPA plays a key role in the Joint Power Planning Council, comprised of all interested public and private power systems in the region.

MAJOR FIELD OFFICES—BONNEVILLE POWER ADMINISTRATION

Office and Headquarters

Idaho Falls Area, 529 Lomax Street, Idaho Falls, ID 83401.
Portland Area, 919 Northeast 19th Avenue, Portland, OR 97208.
Seattle Area, 415 First Avenue North, Seattle, WA 98109.
Spokane Area, U.S. Courthouse, Spokane, Wash. 99201.
Walla Walla Area, 101 West Poplar Street, Walla Walla, WA 99362.
Eugene District, 834 Pearl Street, Eugene, OR 97401.
Kalispell District, Highway 2 East, Kalispell, Mont. 59901.
Wenatchee District, 1630 North Wenatchee Avenue, Wenatchee, WA 98801.

For further information, contact the Information Office, Bonneville Power Administration, 1002 Northeast Holladay Street, Portland, OR 97208. Phone, 503—234–3361, extension 5133.

165.1 *Southeastern Power Administration.* Objectives: The Southeastern Power Administration carries out functions assigned to the Secretary by the Flood Control Act of 1944 (58 Stat. 890), in the States of West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, and Kentucky. The Administration transmits and disposes of the surplus electric power and energy generated at the Federal reservoir projects.

Organizations. The Southeastern Power Administration consists of a headquarters office at Elberton, Ga. It has no field offices.

Activities. The program of the Administration includes the negotiation, preparation, execution, and administration of contracts for the disposition of electric power; the preparation of wholesale rates and repayment schedules; the provision by construction, by contract, or otherwise, of transmission and related facilities to interconnect reservoir projects and to serve contractual loads; and activities pertaining to the planning and operation of power facilities.

For further information, contact the Administrator, Southeastern Power Administration, Elberton, Ga. 30635. Phone, 404—283–3261.

170.1 *Southwestern Power Administration.* Objectives: The Southwestern Power Administration carries out the functions assigned to the Secretary by the Flood Control Act of 1944 (58 Stat. 890; 16 U.S.C. 825s).

The Administration transmits and disposes of the electric power and energy generated at the Federal reservoir projects and supplemented by power purchases from other public and private utilities.

Organization. The Southwestern Power Administration consists of the headquarters offices located at Tulsa, Okla.; three area offices at Springfield, Mo., Muskogee, Okla., and Jonesboro, Ark.; four maintenance units; and three dispatching offices.

Activities. The Administration prepares, negotiates, and administers contracts for the sale and interchange of electric power and energy; prepares wholesale rates and repayment schedules; designs and constructs only those transmission lines and related facilities to interconnect hydroelectric projects of the Administration's system, and with other systems, both public and private; researches and develops long-range marketing programs; conducts and participates in studies for integration of electric power facilities in the Southwest; participates with Federal and non-Federal entities in the comprehensive planning of water resource development in the Southwest; and operates and maintains the high-voltage transmission system to service contractual loads with a continuity of service.

For further information, contact the Southwestern Power Administration, Post Office Drawer 1619, Tulsa, OK 74101. Phone 918–584–7151.

173.1 *Alaska Power Administration—Objectives.* The Alaska Power Administration carries out functions assigned to the Secretary, including among others the Eklutna Project Act (64 Stat. 382), the Flood Control Acts of 1944 and 1962 (58 Stat. 890, 76 Stat. 1193; 16 U.S.C. 825s, 43 U.S.C. 390), as they relate to the State of Alaska. The Alaska Power Administration promotes the development and utilization of the water, power, and related resources of Alaska; operates and maintains the Eklutna Project; will operate and maintain the Snettisham Project scheduled for commercial operation in December 1972; operates transmission facilities and markets power; cooperates with all agencies of government in Alaska; investigates, plans, and submits to the Secretary of the Interior recommendations for Federal projects and programs; and represents the Secretary of the Interior in Alaska on power matters.

Organization. The Alaska Power Administration consists of a headquarters office located in Juneau, Alaska, the Eklutna Project (Route B, Box 635, Palmer, AK 99645), and the Snettisham Project (Post Office Box 889, Juneau, AK 99801).

Activities. The Administration conducts inventory and reconnaissance studies to identify desirable water resources projects in Alaska; prepares feasibility grade reports for consideration by Congress; after a project is authorized for construction by the Corps of Engineers, the Administration cooperates in the final designs and makes preparations for operating the project and marketing the power.

Planning efforts include leadership responsibility for comprehensive Alaska water and related land resources studies, the joint United States-Canada upper Yukon River study, and review of water powersite reservations.

For further information, contact the Administrator, Alaska Power Administration, Post Office Box 50, Juneau, AK 99801. Phone 907—586–7405.

[FR Doc.72–14430 Filed 8–25–72;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety

[Waiver 5; Docket No. OPS–16]

NEW ORLEANS PUBLIC SERVICE, INC.

Partial Grant of Waiver

New Orleans Public Service, Inc. (NOPSI), has petitioned for a waiver of § 192.455(a) of the Federal safety standards for the transportation of gas. Section 192.455(a) requires a buried or submerged pipeline installed after July 31, 1971, to have an external protective coating that meets the requirements of § 192.461 and to have a cathodic protection system in full operation within 1 year of installation of the pipeline.

A notice of hearing was issued (36 F.R. 1072, January 22, 1972) and a public hearing was held on February 24, 1972, at which NOPSI presented considerable testimony in support of its petition. A transcript of that hearing is in the public docket on this petition.

NOPSI desires to install the following types of pipelines using a concrete protective coating without cathodic protection:

(1) New steel service lines connected to existing bare cast iron mains; and

(2) Short sections of steel replacement pipe in existing cast iron mains.

A concrete protective coating does not meet the requirements of § 192.461 because it does not have high electrical resistance and low moisture absorption as required by § 192.461(b).

The justification for the proposed waiver is set forth in the notice of hearing and the transcript of the hearing referred to above. NOPSI contends that its proposed method of corrosion protection is as satisfactory as that required by § 192.455(a). This contention is based on the passivation effect of cement on the steel pipe and on a study of the petitioner's leak history on concrete-coated pipe.

Although a concrete protective coating may be a relatively effective coating, notwithstanding that it does not comply with § 192.461, NOPSI has not shown that it can be used without supplemental cathodic protection. If the concrete coating becomes chipped or cracked so as to expose a portion of the steel pipe to the soil, there is a much greater likelihood of serious galvanic corrosion on concrete-coated pipe than on pipe with a bituminous coating. For this reason, concrete-coated steel pipe may have a greater need for cathodic protection than steel pipe with a more conventional coating. Thus the use of a concrete protective coating without cathodic protection cannot be found to be "not inconsistent with pipeline safety" as required under section 3(e) of the Natural Gas Pipeline Safety Act.

However, it does appear that, when used in conjunction with cathodic protection, concrete coating is as effective in controlling corrosion as other protective coatings which meet the requirements of Subpart I. This is due to the ease with which concrete-coated steel polarizes to the open circuit potential of any galvanic cell in the range of from about −1.1 volts to about +0.6 volt as measured to a copper-copper sulfate reference electrode. Differences in galvanic potentials due to soil conditions (other than stray currents) are unlikely to exceed this potential range. Cathodic protection will control corrosion of the pipe at locations where the steel pipe is exposed to the soil because of damage to the concrete coating.

In consideration of the foregoing, it is found that the use of a concrete protective coating in conjunction with cathodic protection is not inconsistent with pipeline safety. Therefore, New Orleans Public Service, Inc., is hereby granted a waiver of §§ 192.455(a)(1) and 192.461 to the extent necessary to permit the use of concrete coating with a minimum thickness of three-quarters of an inch on the following pipe:

(1) Short isolated sections of steel mains.

(2) Screw coupled steel service lines from cast iron mains. However, the concrete-coated pipe must be cathodically protected. To the extent that NOPSI petitioned for a waiver from the cathodic protection requirements of § 192.455(a)(2), that petition is denied.

This waiver is effective until September 1, 1975, unless sooner suspended or revoked.

Issued at Washington, D.C., on August 22, 1972.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.72-14556 Filed 8-25-72;8:49 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

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 Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Strategic Business Studies, assistant secretary for domestic and international business.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-14535 Filed 8-25-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Title Change in Noncareer Executive Assignment

By notice of March 29, 1969, F.R. Doc. 69-3764 the Civil Service Commission authorized the Department of Health, Education, and Welfare to fill by noncareer executive assignment the position of congressional liaison officer, Office of the Secretary. This is notice that the title of this position is now being changed to deputy assistant secretary for congressional liaison, Office of the Secretary, Office of the Assistant Secretary for Legislation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-14538 Filed 8-25-72;8:48 am]

DEPARTMENT OF THE TREASURY

Notice of Title Change in Noncareer Executive Assignment

By notice of November 22, 1969, F.R. Doc. 69-13889 the Civil Service Commission authorized the Department of the Treasury to make a change in title for the position of assistant to the under secretary, authorized to be filled by noncareer executive assignment. This is notice that the title of this position is now being changed to assistant to the deputy secretary, Office of the Deputy Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-14539 Filed 8-25-72;8:48 am]

GENERAL SERVICES ADMINISTRATION

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 General Services Administration to fill by noncareer executive assignment in the excepted service the position of special assistant to the administrator, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioner.

[FR Doc.72-14536 Filed 8-25-72;8:47 am]

GENERAL SERVICES ADMINISTRATION

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 General Services Administration to fill by noncareer executive assignment in the excepted service the position of confidential assistant to the Commissioner, Public Buildings Service, Office of the Commissioner.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-14537 Filed 8-25-72;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 295]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

AUGUST 8, 1972.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		1230 kHz							
(New)	Fort McMurray, Alberta, N. 56°41'42", W. 111°20'25".	1D/0.5N	ND-190	U	IV	200	120	320	E.I.O. 8.8.73.
		1340 kHz							
CFLH (Increase in power—PO 1340 kHz, 0.1 kw.).	Hearst, Ontario, N. 49°41'58", W. 83°38'48".	1D/*0.25N*	ND-180	U	IV	125	120	295	E.I.O. 8.8.73.
		1420 kHz							
CKTL (assignment of call letters).	Plessisville, Quebec, N. 46°12'47", W. 71°44'28".	1D/0.5N	DA-N, ND-D-188	U	III				
		1500 kHz							
CKAY (Increase in daytime power—PO 1500 kHz, 1 kw., DA-1).	Duncan, British Columbia, N. 48°44'21", W. 123°41'58".	*5D*/1N	DA-2	U	II				E.I.O. 8.8.73.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.72-14491 Filed 8-25-72;8:45 am]

FEDERAL MARITIME COMMISSION

DONALD L. FERGUSON, LTD., AND DONALD L. FERGUSON CRUISES, LTD.

Issuance of Performance Certificate

Correction

In F.R. Doc. 72-13055 appearing on page 16631 of the issue for Thursday, August 17, 1972, the headings should read as set forth above.

KOMMANDITTSELSKAPET DET BERGENSKE

Issuance of Casualty Certificate

Security for the protection of the public; financial responsibiilty to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a certificate of financial responsibiilty to meet liability incurred for death or injury to passengers or other persons or voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Kommandittselskapet Det Bergenske, Dampskibsselskab Star Cruises, Brabdenken 1, Bergen, Norway.

Dated: August 23, 1972.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.72-14582 Filed 8-25-72;8:51 am]

LYKES BROS. STEAMSHIP CO., INC. AND UNICORN SHIPPING CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. J. Finnan, Rate Analyst, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, LA 70130.

Agreement No. 9993, between Lykes Bros. Steamship Co., Inc., and Unicorn Shipping Co., establishes a through billing arrangement for the transportation of general cargo in the trade between U.S. Gulf ports and ports in the Somali Republic and the Seychelles Islands, with transshipment at Durban, Lourenco Marques, Beira, Dar es Salaam, and Mombasa, East Africa, under terms and conditions set forth in the agreement.

Dated: August 23, 1972.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.72-14583 Filed 8-25-72;8:51 am]

I.T.O. CORPORATION OF BALTIMORE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged,

the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. William J. Brown, Vice President, I.T.O. Corporation of Baltimore, Maryland Trust Building, Baltimore, Md. 21202.

Agreement No. T-2681, between I.T.O. Corporation of Baltimore (ITO) and Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; and Yamashita-Shinnihon Steamship Co., Ltd. (the "Lines"), is a 1-year (with renewal options) container terminal stevedore and LCL service agreement. The agreement provides that ITO will furnish the Lines terminal, stevedore, and container freight station services in connection with the Lines' containerships calling at Dundalk Marine Terminal, Baltimore, Md. The Lines will compensate ITO in accordance with a schedule of rates agreed upon by both parties and filed with the Federal Maritime Commission.

Dated: August 25, 1972.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.72-14686 Filed 8-25-72;9:45 am]

FEDERAL RESERVE SYSTEM

ROYAL TRUST CO.

Order Granting Temporary Stay

The Honorable Fred O. Dickinson, Jr., Comptroller and Banking Commissioner of the State of Florida and the Florida Bankers Association (Petitioners), by telegram received July 13, 1972, and letter dated July 13, 1972, have requested a stay and reconsideration of the Board's order of June 16, 1972, by which order the Board of Governors approved the application of Royal Trust Co., Montreal, Quebec, Canada (Royal), pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)(1)), for prior approval to become a bank holding company by the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Inter National Bank of Miami, Miami, Fla. (Inter National).

After consideration of the arguments advanced by Petitioners and Royal, the Board has concluded that further briefs by Petitioners and/or Royal may be of assistance to the Board in determining whether reconsideration of its order of June 16, 1972, is appropriate. Accordingly, the Board hereby stays that order until the close of business on September 1, 1972, for the purpose of affording Petitioners and Royal an opportunity to submit written briefs or other documentation in support of their contentions and particularly with respect to the following issues:

(1) Whether it contravenes the public policy of the State of Florida for a trust company, neither chartered nor doing business in the State of Florida, to invest in stock in a Florida corporation and, more particularly, in a national bank and if so, what is such public policy;

(2) Whether the Board is precluded from approving a holding company formation on the basis that it contravenes such State public policy; and

(3) Whether ownership of stock of a national bank is "business of a Federal nature" so as to be excepted from the doctrine that a foreign corporation may not exercise its charter powers in a State where that exercise contravenes the public policy of that State.

Any written material to be presented should be received by the Board in time for the Board to study the material presented and to reach a decision on the request for reconsideration on or before September 1, 1972.

By order of the Board of Governors,[1] effective August 18, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14521 Filed 8-25-72;8:46 am]

PRICE COMMISSION

[Order 10]

FIRMS WITH VOLATILE PRICING AUTHORIZATION

Recordkeeping Requirement

Section 300.501 of the regulations of the Price Commission requires each person who sells property to keep records sufficient to establish the base prices and increased costs used to justify any price increase applied for or made by that person. To provide sufficient information in regard to items to which the volatile price provisions of § 300.51(f) apply, each person using the price provision shall keep records that include the information specified in paragraphs (a) through (d) of this order.

(a) For each raw material or partially processed product (identified by grade or type) for which volatile pricing authority has been granted and utilized, the weighted average unit cost of the material during the freeze base period and the weighted average unit cost of the material during the current accounting month.

(b) For each finished or partially processed product (identified by grade or type) derived from a volatilely priced raw material or partially processed product, the weighted average price charged by the firm during the freeze base period and the weighted average unit price charged and the total revenues realized during the current accounting month. In addition, the weighted average unit price charged for and the respective total revenues from each byproduct, if any, of a volatilely priced raw material or partially processed product during the current period and how prices of the finished or partially processed products were adjusted to reflect the revenues from such byproducts derived from the volatilely priced raw material or partially processed product.

(c) The amounts entered on invoices in accordance with § 300.51(h).

(d) How prices and revenues were adjusted to conform to all volatile material cost movements as prescribed by § 300.51(f).

Issued at Washington, D.C., on August 24, 1972.

NOTE: The recordkeeping and reporting requirements contained in this order have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

[FR Doc.72-14682 Filed 8-25-72;9:33 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Sheehan.

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACADEMIC DEVELOPMENT CORP.

Order Suspending Trading

AUGUST 21, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of Academic Development Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:45 a.m., e.d.t., on August 21, 1972, through August 30, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14542 Filed 8-25-72;8:48 am]

[File No. 500-1]

CANUSA HOLDINGS LTD.

Order Suspending Trading

AUGUST 21, 1972.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock, $0.01 par value, and all other securities of Canusa Holdings Ltd. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:45 a.m., e.d.t., on August 21, 1972, through August 30, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-14543 Filed 8-25-72;8:48 am]

CHASE INVESTORS MANAGEMENT CORPORATION NEW YORK

Notice of Filing of Application

AUGUST 21, 1972.

Notice is hereby given pursuant to section 211(c) of the Investment Advisers Act of 1940 that Chase Investors Management Corporation New York (Applicant), a New York corporation, c/o Chase Manahattan Bank, N.A., 1 Chase Manhattan Plaza, New York, NY 10015, has filed an application pursuant to Clause (F) of section 202(a)(11) of the Act for an order of the Commission declaring that Applicant is a person not within the intent of paragraph (11) of section 202(a) which defines the term "Investment Adviser". All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated on May 12, 1972, and prior to commencement of operations will become a wholly owned [1] subsidiary of the Chase Manhattan Corp. (Chase Corporation), a bank holding company registered under the Bank Holding Company Act of 1956, as amended. The Applicant intends to engage in the business of providing investment research, advisory and management services to the Chase Manhattan Bank, N. A. (Chase Bank), a wholly owned subsidiary of Chase Corporation, and to the public, including institutional investors such as pension funds and, possibly, investment companies. Chase Bank proposes to transfer the existing investment advisory personnel of Chase Bank to the Applicant, except such personnel as will be required to be retained by Chase Bank to fulfill its responsibilities as trustee. In addition, certain assets of Chase Bank consisting of such properties as investment research files and materials and furniture and fixtures required for the operations of the Applicant will be transferred to it. Upon the commencement of operations, the directors, officers, and employees of the Applicant will be persons presently serving as directors, officers, or employees of Chase Bank, and certain of such personnel will continue to serve Chase Bank in various capacities.

Section 202(a)(11) of the Act provides that an investment adviser as defined therein does not include "a bank, or any bank holding company as defined in the Bank Holding Company Act of 1956, which is not an investment company", and Clause (F) thereof excludes "such other persons not within the intent of this paragraph, as the Commission may designate by rules and regulations or order." The Act does not specifically except a subsidiary of a bank or a bank holding company from the definition of investment adviser. Accordingly, absent an order of the Commission, the Applicant would be required to register under the Act prior to the commencement of its proposed activities.

The Applicant represents that "the regulatory scheme applicable to Chase Management, designed to protect the public interest and to prevent Chase Management from engaging in unsound, fraudulent, or other improper practices, would appear to achieve substantially the same objectives as those of the Act." In addition to regulation provided by the Federal bank regulatory authorities, the Applicant states that it will require its officers, directors, and employees, other than clerical employees, whose duties relate to the advisory functions of the Applicant to report certain outside business and investment interests and transactions.

Notice is further given that any interested person may not later than September 22, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact of law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-14544 Filed 8-25-72;8:48 am]

[1] Chase Management has indicated that it may sell up to 20 percent of its common stock to other persons.

[70-5229]

DELMARVA POWER & LIGHT CO. AND DELMARVA POWER & LIGHT COMPANY OF MARYLAND

Notice of Proposed Issue and Sale of Promissory Notes and Common Stock by Subsidiary Public Utility Company

AUGUST 18, 1972.

Notice is hereby given that Delmarva Power & Light Co. (Delmarva), 800 King Street, Wilmington, DE 19899, a registered holding company and a public utility company, and its subsidiary company, Delmarva Power & Light Company of Maryland (Maryland), U.S. Route 13 and Naylor Mill Road, Salisbury, Md. 21801, a public utility company, all of whose outstanding securities are owned by Delmarva, have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(b), 9(a), 12(d), and 12(f) of the Act and Rules 43, 44, and 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

From time to time prior to September 30, 1973, Maryland proposes to issue and sell to Delmarva for cash its promissory notes due October 1, 1973, in an aggregate principal amount not in excess of $7,050,000 and to issue and sell to Delmarva for cash a total not to exceed 70,500 shares of its common capital stock at the par value thereof of $100 per share or an aggregate of $7,050,000. Delmarva will purchase such notes, when issued, at the principal amount thereof, plus accrued interest from their issuance date. The notes will bear interest at 7.5 percent per annum (such interest rate being based on the cost of the last public borrowing of Delmarva), but, at such time as Delmarva shall market its next issue of bonds, all notes thereafter issued by Maryland shall bear interest equal to the cost of money to Delmarva under such bond issue, rounded to the nearest higher one-tenth of 1 percent. The notes and stock will be pledged by Delmarva with Chemical Bank (formerly Chemical Bank New York Trust Co.), trustee, in accordance with the provisions of the indenture of mortgage and deed of trust of Delmarva to Chemical Bank, trustee, dated as of October 1, 1943, relating to Delmarva's first mortgage and collateral trust bonds.

Maryland will use the proceeds derived from the sale of the notes and stock for

future capital expenditures and other corporate purposes. Proposed additions to Maryland's property and plant are estimated at $12,275,278 for 1972 and $12,535,946 for 1973.

It is stated that other than required filing fees in respect of the proposed transactions, miscellaneous expenses will be nominal; that the issuance and sale of promissory notes and common capital stock by Maryland, and the acquisition and pledge thereof by Delmarva, are subject to the jurisdiction of the Public Service Commission of Maryland, the State Commission of the State in which Maryland is organized and doing business; and that the requisite order of that Commission will be filed herein by amendment.

Notice is further given that any interested person may, not later than September 5, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14545 Filed 8-25-72;8:48 am]

[File No. 500-1]

FIBROTHANE INDUSTRIES CORP.

Order Suspending Trading

AUGUST 17, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, of Fibrothane Industries Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 12:30 p.m., e.d.t., on August 17, 1972, through August 26, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14546 Filed 8-25-72;8:48 am]

[70-5222]

INDIANA & MICHIGAN POWER CO.

Proposed Issuance and Sale of Additional Notes

AUGUST 18, 1972.

Notice is hereby given that Indiana & Michigan Power Co. (Generating Company), Post Office Box 458, Bridgman, MI 49106, a subsidiary company of Indiana & Michigan Electric Co. (I&M), which is itself an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Generating Company is a Michigan corporation organized for the purpose of (i) acquiring, completing the construction of, and operating the Donald C. Cook Nuclear Generating Plant (Nuclear Plant), which is presently under construction at Bridgman, Mich., and, (ii) upon commercial operation of the Nuclear Plant, selling all of its generated electric power to I&M. Generating Company acquired ownership of the Nuclear Plant from I&M pursuant to an order of the Commission issued May 20, 1971 (Holding Company Act Release No. 17135). Under the terms of the acquisition, Generating Company issued to I&M 1,500,000 shares of common stock, par value $1 per share, and a promissory note in the principal amount of $130 million. The Nuclear Plant will consist basically of two 1,100,000 kilowatt nuclear generating units. The completion date for the first unit remains at 1973; however, the completion date for the second unit has been postponed 1 year until 1975. The cost of the entire facility had been estimated at not less than $480 million. Generating Company now estimates that the total cost of completion will be not less than $620 million. Generating Company has been financing the construction expenditures of the Nuclear Plant through the issuance from time to time of notes maturing September 30, 1977, under its "Bank Loan Agreement," dated July 1, 1971, the issuance of such notes having been authorized by Commission order (Holding Company Act Release No. 17247).

The Bank Loan Agreement limits the principal amount of the notes which the Generating Company may issue to an aggregate total of not more than $200 million, and as of July 27, 1972, it had issued notes to the full extent of its present limit under the Bank Loan Agreement. Generating Company proposes by an amendment (Amendment No. 1) to the Bank Loan Agreement to raise the present borrowing limit $200 million by an additional $100 million, so as to meet its continuing need for funds.

The proposed notes to banks will bear interest at a rate per annum equal to one-fourth of 1 percent plus the prime commercial loan rate in effect from time to time at Manufacturers Hanover Trust Co. (Manufacturers) and, after the earliest of (i) December 31, 1974, (ii) the date on which the bank to which such note was originally issued shall have made loans in an amount equal to its commitment, or (iii) the date of commercial operation of the second unit of the Nuclear Plant, the rate per annum will be increased until maturity to equal one-half of 1 percent plus manufacturers' prime commercial loan rate. Generating Company will also be obliged to pay to each bank substitute interest computed at the rate of one-half of 1 percent on the daily average unused amount of the commitment for such bank, such obligation to pay substitute interest commencing on a date to be specified and terminating on the earliest of (i), (ii), and (iii) above. The notes may be prepaid in whole or in part at any time without premium or penalty, unless such prepayment is made from the proceeds of, or in anticipation of, a borrowing by Generating Company from banking institutions at a rate of interest equal to or less than the then applicable interest rate on the notes, in which event Generating Company will be obligated to pay a premium in an amount equivalent to interest at the rate of one-fourth of 1 percent per annum on the amount of such prepayment from the date thereof to September 30, 1977. The Bank Loan Agreement provides that all indebtedness of Generating Company to I&M outstanding at the time of the initial loans by the banks will be subordinated to the notes. It is stated that the effective cost of borrowing to Generating Company under the Bank Loan Agreement, as amended, after the full $100 million has been borrowed, would be 6.76 percent per annum, assuming compensating balances maintained with each of the banks in an amount equal to 15 percent of the loans, and assuming the currently effective prime commercial rate of Manufacturers of 5¼ percent. In all other respects, the transactions proposed relating to the additional notes are the same as heretofore authorized. The proceeds from the issue of the notes will be utilized by Generating Company for construction of the Nuclear Plant, the acquisition of equipment, materials, and supplies for the Nuclear Plant, and other corporate purposes.

Details of estimated expenses, including legal fees proposed to be paid to

counsel for the Generating Company and amounts to be paid to reimburse the banking institutions for legal fees paid to special counsel for the banks will be supplied by post-effective amendment. No other fee or commission is to be paid in connection with the negotiation of the terms of Amendment No. 1 or the issue of the additional notes. The Michigan Public Service Commission has authorized the issuance of the additional notes and has assessed a statutory issuance fee. No other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 8, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14547 Filed 8-25-72;8:48 am]

[70-4755]

NORTHEAST UTILITIES ET AL.

Notice of Post-Effective Amendment Regarding Increase in Authorized Amount of Bank Notes and Extension of Time To Complete Permanent Financing

AUGUST 18, 1972.

Notice is hereby given that Northeast Utilities (Northeast), Post Office Box 270, Hartford, CT 06101, a registered holding company, the Connecticut Light and Power Co. (CL&P), the Hartford Electric Light Co. (Helco), and Western Massachusetts Electric Co. (Wmeco), public utility subsidiaries of Northeast, and the Millstone Point Co. (Millstone), a subsidiary company of Northeast, have filed with this Commission an eighth post-effective amendment to the application-declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 9(a), and 10 thereof as applicable to the proposed transactions as amended. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders heretofore entered in this proceeding, the Commission authorized, among other things, (1) the transfer and assignment by CL&P, Helco, and Wmeco of their respective interests in a nuclear fuel contract to Millstone pursuant to an interim agreement, and (2) interim financings by Millstone pending the completion of satisfactory permanent financing by the latter. Pursuant to such orders, Millstone is presently authorized to issue and sell to banks a maximum aggregate of $7,500,000 principal amount of short-term notes (bank notes), and $12,500,000 principal amount of subordinated notes to its parent, Northeast. (See Holding Company Act Release No. 17603, June 15, 1972.)

The companies now request that the authorization for the sale of bank notes by Millstone be increased from $7,500,000 to $12,500,000, and that said interim agreement be amended so as to extend the period for the completion by Millstone of satisfactory permanent financing arrangements from October 2, 1972, to December 4, 1972. The $5 million in additional notes to banks will be issued and sold to the Connecticut Bank and Trust Co., the holder of $6 million of Millstone's presently outstanding bank notes. The additional bank notes will bear terms similar to those heretofore authorized, and in all other aspects the transactions remain unchanged.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 8, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14548 Filed 8-25-72;8:48 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0090]

ANDROCK CAPITAL CORP.

Notice of Issuance of Small Business Investment Company License

On July 15, 1972, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (37 F.R. 14016) stating that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1972)) for a license as a small business investment company by Androck Capital Corp., 1309 Samuelson Road, Rockford, IL 61101.

Interested parties were given to the close of business July 31, 1972, to submit their comments to SBA. No comments were received.

Notice is hereby given that pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 05/05-0090 to Androck Capital Corp. to operate as a small business investment company.

Dated: August 21, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-14550 Filed 8-25-72;8:49 am]

[MESBIC License Application No. 04/04-5106]

BURGER KING MESBIC, INC.

Notice of Application for License as Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15

U.S.C. 661 et seq.), has been filed by Burger King MESBIC, Inc. (applicant) with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1972)).

The officers and directors of the applicant are as follows:

Leslie W. Paszat, 150 Southeast 25th Road, Miami, FL 33129, president, director.
John G. Hollingsworth, 6420 Southwest 132d Street, Miami, FL 33167, vice president, economic development.
Elias Freidus, Jr., 15301 Southwest 86th Avenue, Miami, FL 33157, vice president, general manager.
Thomas F. Crummey, 8500 Southwest 118th Street, Miami, FL 33156, treasurer, director.
Raymond J. Dittrich, 6805 Southwest 98th Street, Miami, FL 33156, general counsel, secretary, director.
Zane Leshner, 10200 Southwest 102d Avenue, Miami, FL 33156, assistant secretary, assistant general manager.

The applicant, a Florida corporation, with its principal place of business located at 7360 North Kendall Drive, Miami, FL 33156, will begin operations with $250,000 of paid-in capital, consisting of 25,000 shares of common stock. All of the issued and outstanding stock will be owned by the Burger King Corp., which is a wholly owned subsidiary of the Pillsbury Co., a large public corporation whose stock is listed and traded on the New York Stock Exchange.

According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the applicant under that management, including adequate profitability and financial soundness in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any person may, not later than 15 days from the date of publication of this notice, submit written comments to SBA on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Worcester, Mass.

Dated: August 21, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-14551 Filed 8-25-72;8:49 am]

CALIFORNIA GROWTH CAPITAL, INC.

Notice of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701 (1972)) for transfer of control of California Growth Capital, Inc. (Growth), 1615 Cordova Street, Los Angeles, CA 90007, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), License No. 09/12-0023.

Growth, which was licensed on May 11, 1961, will have paid-in capital and paid-in surplus from private sources of $1,047,919. The transfer of control is being made pursuant to purchase and sale agreements between Growth, DeAnza Land, and Leisure Corp., 1615 Cordova Street, Los Angeles, CA, First National Bank of Commerce, 210 Baronne Street, New Orleans, LA 70112, All American Assurance Co., Post Office Box 66127, Baton Rouge, LA 70806, and H. D. Hughes.

The proposed transfer of control is subject to and contingent upon the approval of SBA.

The proposed officers, directors and stockholders are as follows:

Allen R. Houk, 3751 Rue Delphine, New Orleans, LA, director, chairman of the board.
Walter B. Stuart III, 5672 Rosemary Place, New Orleans, LA, director, vice chairman of board.
Thomas S. Davidson, 1333 State Street, New Orleans, LA, director, secretary-treasurer.
Thomas E. Smith, Jr., 1470 Arabella Street, New Orleans, LA, director, president and chief executive officer.
Charest D. Thibaut, Jr., 2775 McCarroll Drive, Baton Rouge, LA, director.
James A. Churchill, 461 Pine Street, New Orleans, LA, director.
William H. Oldknow, 1161 Virginia Road, San Marino, CA, director.
Richard C. Seaver, 434 South Rossmore Avenue, Los Angeles, CA, director.
John Ferraro, 570 North Rossmore Avenue, Los Angeles, CA, director.
Leo A. Ringemann, 3621 Rue Delphine, New Orleans, LA, assistant secretary-treasurer.
First National Bank of Commerce, 210 Baronne Street, New Orleans, LA, stockholder.
All American Assurance Co., Post Office Box 66127, Baton Rouge, LA, stockholder.
Jaser Development Co., 1615 Cordova Street, Los Angeles, CA, stockholder.

First National Bank of Commerce will own 49 percent of the licensee's stock with Jaser Development Co., All American Assurance Co., and Mr. Ferraro collectively owning the remaining 51 percent of issued and outstanding stock.

It is contemplated that the principal operating office of Growth will be transferred to 510 Richards Building, New Orleans, LA 70112. Growth will maintain an office, for purposes of General Corporation Law of California, at 1615 Cordova Street, Los Angeles, CA.

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owners, and the probability of successful operations of the company in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communications should be addressed to: Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published by the proposed transferee in a newspaper of general circulation in Baton Rouge and New Orleans, La., and Los Angeles, Calif.

Dated: August 16, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-14552 Filed 8-25-72;8:49 am]

TARIFF COMMISSION

[332-68]

CUSTOMS VALUATION PROCEDURES OF UNITED STATES AND FOREIGN COUNTRIES

Notice of Place of Hearings at San Francisco, Calif., and New Orleans, La.

On August 1, 1972, the Tariff Commission announced public hearings to be held in connection with its study of the customs valuation procedures of the United States and foreign countries under section 332(g) of the Tariff Act of 1930 (37 F.R. 15901). Hearings were scheduled for Washington, D.C., beginning September 11, 1972; San Francisco, Calif., beginning September 19, 1972; and New Orleans, La., beginning September 25, 1972.

As previously announced, the hearing in Washington, D.C., will be held in the hearing room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m. e.d.t. on September 11, 1972. The hearing in San Francisco, Calif., will be held in the courtroom of the U.S. Tax Court, Federal Office Building, 450 Golden Gate Avenue, San Francisco, CA, beginning at 10 a.m. P.d.t. on September 19, 1972. The hearing in New Orleans will be held in the hearing room of the Federal Trade Commission, Masonic Temple Building, 333 St. Charles Street, New Orleans, LA, beginning at 10 a.m. c.d.t. on September 25, 1972.

Requests to appear and written statements by interested parties must con-

form with the requirements pertaining thereto in the aforementioned public notice of August 1, 1972.

All communications regarding the investigation should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: August 23, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-14569 Filed 8-25-72;8:50 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

NEW JERSEY DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards; Submission of Plan and Availability for Public Comment

Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and 29 CFR 1902.11 setting forth the method whereby States may assume responsibility for the development and enforcement therein of occupational safety and health standards, notice is hereby given that a developmental occupational safety and health plan has been submitted by the State of New Jersey and that on the basis of a preliminary review of the plan the issue of its approval is now under consideration.

In accordance with the provisions of 29 CFR Part 1902, the plan proposes the adoption and implementation of legislation which will establish a safety and health program in New Jersey that is intended to be at least as effective as the program operated by the Federal Government under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.). It is contemplated that the enabling legislation will be introduced in January and passed in June 1973 and completely implemented by June 1975. The plan identified the Department of Labor and Industry of the State of New Jersey as the agency designated by the Governor of the State to administer the plan. It will cover all places of employment except those whose major activities are within water transportation industries as described in Major Group 44 of the 1972 edition of the Standard Industrial Classification Manual of the Office of Management and Budget of the Executive Office of the President. The plan contains detailed discussions of the following subjects: (1) enforcement; (2) organization and staff; (3) training; (4) objectives, priorities, and evaluation systems; (5) reporting systems; (6) a public employee safety program; (7) systems for integrating new information into the enforcement program; (8) budget; (9) target dates; and (10) current and proposed safety and health standards.

A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of State Programs, Occupational Safety and Health Administration, Room 1162, 1726 M Street NW., Washington, DC; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, NY, and; the Office of the Assistant Commissioner of Labor Relations and Work Place Standards of the Department of Labor and Industry of New Jersey, Room 1301, John Fitch Plaza, Trenton, N.J.

Interested persons are hereby given 30 days from the date of this publication in which to submit written data, views, and arguments concerning the plan. Such requests or submissions are to be addressed to the Director, Office of State Programs, Room 1162, 1726 M Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at this address.

Copies of pages from the plan or of written comments received with respect thereto will be provided in accordance with the general Department of Labor fee schedule (29 CFR 70.62(a)).

Any interested person may request a hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed within the 30 days specified above. If it is found that substantial objections are filed, a formal or informal hearing on the subjects and issues involved shall be held.

After consideration has been given to all material submitted a final decision as to the approval or disapproval of the plan will be issued.

Signed at Washington, D.C., this 23d day of August 1972.

G. C. GUENTHER, *Assistant Secretary of Labor.*

[FR Doc.72-14587 Filed 8-25-72;8:52 am]

INTERSTATE COMMERCE COMMISSION

[Notice 62]

ASSIGNMENT OF HEARINGS

AUGUST 23, 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.

MC 124211 Sub 215, Hilt Truck Line, Inc., now being assigned hearing September 18, 1972 (1 day), in Room 672, Federal Building, 536 South Clark Street, Chicago, IL.

MC 35320 Sub 128, T. I. M. E.-DC., Inc., now assigned September 12, 1972, at Nashville, Tenn., hearing will be held in Room 651, U.S. Courthouse Building, 8th and Broadway Streets, Nashville, Tenn.

MC-29850 Sub 7, Trenton-Phila. Coach Co., now assigned hearing September 20, 1972, will be held in the Public Utilities Commission, Trenton Trust Building, 28 West State Street, Trenton, NJ.

MC 114457 Sub 127, Dart Transit Co., now being assigned hearing September 25, 1972 (1 day), in Judge Lawson's Courtroom No. 4, 730 Federal Court Building, 316 Roberts Street, St. Paul, MN.

MC 30837 Sub 440, Kenosha Auto Transport Corp., Extension-Import Automobiles, and MC 52657 Sub 685, Arco Auto Carriers, Inc., Extension-Import Automobiles, now being assigned hearing October 2, 1972 (2 days), in Judge Lawson's Courtroom No. 4, 730 Federal Court Building, 316 Roberts Street, St. Paul, MN.

MC-F-11393, E. L. Murphy Trucking Co.—control and merge—Dyer Transport, Inc., now being assigned hearing October 4, 1972 (3 days), in Judge Lawson's Courtroom No. 4, 730 Federal Court Building, 316 Roberts Street, St. Paul, MN.

I&S M-25952, Household goods, increased rates nationwide, now assigned September 12, 1972, at Washington, D.C., is postponed until November 13, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 32882 Sub 66, Mitchell Bros. Truck Lines, now assigned August 28, 1972, at Portland, Oreg., hearing is postponed indefinitely.

MC-C-7775, Aero Mayflower Transit Co., Inc., investigation and revocation of certificates, now assigned August 21, 1972, at Washington, D.C., is cancelled.

MC 123407 Sub 101, Sawyer Transport, Inc., now being assigned hearing October 5, 1972 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 114273 Sub 110, Cedar Rapids Steel Transportation, Inc., now being assigned hearing October 6, 1972 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 124211 Sub 197, Hilt Truck Line, Inc., now assigned October 2, 1972 (1 week), at Chicago, Ill., the tentative time allowance will be 3 days, instead of 1 week.

MC-84528 Sub 18, Automobile Transport Company of California now assigned September 13, 1972, at San Francisco, Calif., is cancelled and the application dismissed.

MC 124606 Sub 2, Ford Truck Line, Inc., now being assigned October 2, 1972 (1 week), at Nashville, Tenn., in a hearing room to be later designated.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.72-14585 Filed 8-25-72;8:52 am]

[Ex Parte 241; Third Revised Exemption 12]

ATLANTIC AND WESTERN RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use

of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway Co., reporting marks: ATW.
Louisville, New Albany & Corydon Railroad Co., reporting marks: LNAC.
[1] Manufacturers Railway Co., reporting Marks: MRS.
Richmond, Fredericksburg and Potomac Railroad Co., reporting marks: RFP.
Vermont Railway, Inc., reporting marks: Rut or VTR.

Effective August 25, 1972, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., August 21, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-14584 Filed 8-25-72;8:52 am]

[Notice 110]

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:

[1] Addition.

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-73371. By order of August 9, 1972, the Motor Carrier Board approved the transfer, on reconsideration, of a portion of Certificate No. MC-230 issued to Melvin Ernst, doing business as Ernst Transfer Co., Falls City, Nebr., to transferee, Nebraska-Iowa, Xpress, Inc., Council Bluffs, Iowa, authorizing the transportation of: General commodities, usual exceptions, between Falls City, Nebr., and points in Kansas within 50 miles thereof in a radial movement. William S. Rosen, attorney, 630 Osborn Building, St. Paul, Minn. 55102.

No. MC-FC-73794. By order entered August 15, 1972, the Motor Carrier Board approved the transfer to Larry D. Svoboda, doing business as Svoboda Truck Line, Kimball, S. Dak., of the operating rights set forth in Certificate No. MC-103076, issued March 25, 1968, to Leo Booth, doing business as Booth Trucking Service, Vivian, S. Dak., authorizing the transportation of livestock, agricultural commodities, farm machinery, farm implements, feed, household goods, and emigrant movables, from, to, or between points in South Dakota, Nebraska, Iowa, and Minnesota. Frank D. Brost, Presno, S. Dak. 57568, attorney for applicants.

No. MC-FC-73797. By order of August 16, 1972, the Motor Carrier Board approved the transfer to William Cornelius Harrup, doing business as William C. Harrup, Trucking, Emporia, Va., of the operating rights in Permits Nos. MC-115018 (Sub-No. 1), MC-115018 (Sub-No. 12), and MC-115018 (Sub-No. 15) issued September 13, 1967, June 13, 1967, and January 23, 1969, respectively, to Lewis W. Owen, Inc., Lawrenceville, Va., authorizing the transportation of lumber (except plywood and veneer), wood chips, wooden boxes, shooks, skids, crates, and pallets, sawdust, and shavings, from Lawrenceville, Barnesville, Brodnax, La Crosse, and Smoky Ordinary, Va., to points in New York, New Jersey, Pennsylvania, Delaware, Ohio, Connecticut, Maryland, Indiana, North Carolina, Tennessee, Michigan, and the District of Columbia under continuing contract, or contracts, with named Virginia shippers. Theodore J. Burr, Jr., 314 South Main Street, Emporia, VA 23847, attorney for applicants.

No. MC-FC-73812. By order of August 11, 1972, the Motor Carrier Board approved the transfer to Valley Trucking Co., Inc., Brownsville, Tex., of the operating rights in Certificate No. MC-118341 issued July 29, 1965, to Max Marquis, doing business as Valley Trucking Co., Brownsville, Tex., authorizing the transportation of frozen vegetables from Brownsville, Tex., to specified points in Louisiana, Tennessee, Virginia, Ohio, Michigan, Florida, New York, Mississippi, Pennsylvania, and Georgia.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-14586 Filed 8-25-72;8:52 am]

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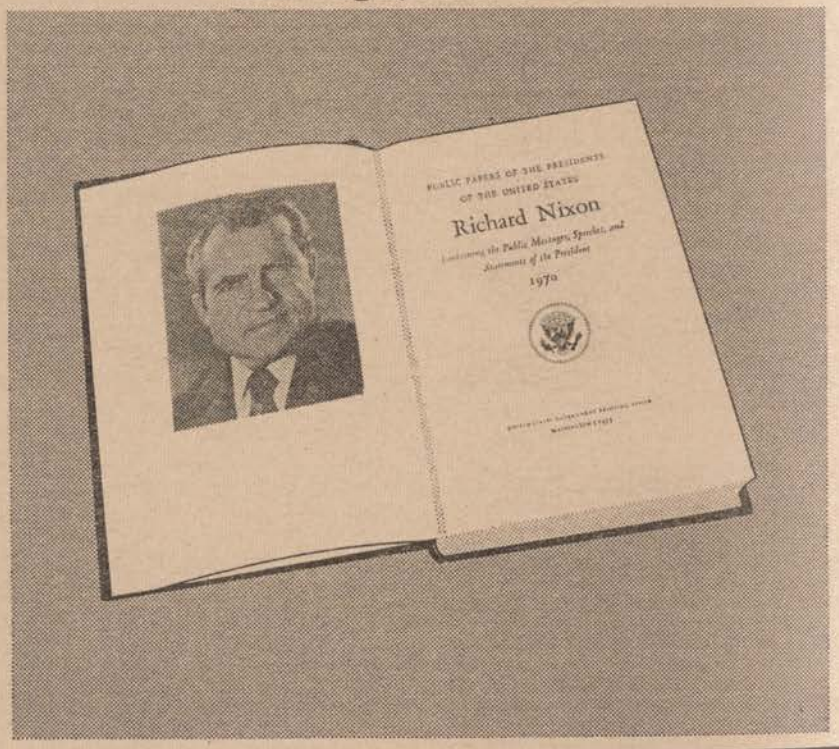

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