TUESDAY, FEBRUARY 6, 1973
WASHINGTON, D.C.
Volume 38 ▪ Number 24
Pages 3379-3496

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Rules and Regulations

This section of the Federal Register contains regulatory documents having general applicability and legal effect most of which are key terms codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first Federal Register issue of each month.

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY

PART 18—RECREATION FEES

Golden Eagle program. The Department of the Interior announces final rules for "Exclusions" (b) of Section 18 and special recreation use fees at designated Federal recreation areas or facilities.

On December 12, 1972, notice of proposed rule making regarding the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended by the Act of July 11, 1972, which restores the Golden Eagle program, was published in the Federal Register (37 FR 26424). After consideration of all such relevant matters as was presented by interested persons, the establishment of recreation fees as so proposed is hereby adopted, subject to the following changes:


3. In paragraph (b) of § 18.7 Fees for single-visit permits, the words "the one Designated Entrance Fee Area" are changed to read "the one Designated Entrance Fee Area," in paragraph (c) of this same section, the words "charged at Designated Entrance Fee Area" are changed to read "charged at Designated Entrance Fee Area."

4. Section 18.13 Enforcement is changed by inserting after the word "Part" the following: "as those in § 18.16."

5. The heading of § 18.14 is changed by replacing the word "Exclusion" with the word "Exclusions."

6. Subparagraph (2) of § 18.16 The Golden Eagle Insignia is changed by replacing the word "Part" with the word "section."

Effective date. This establishment of recreation fees is effective January 1, 1973.

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


Part 18 of Subtitle A of Title 43 of the Code of Federal Regulations is revised to read as follows:

Sec. 18.1 Application.

Sec. 18.2 Fees for single-visit permits.

Sec. 18.3 Designation.

Sec. 18.4 Posting.

Sec. 18.5 Golden Eagle Passport.

Sec. 18.6 Golden Age Passport.

§ 18.1 Application.


§ 18.2 Fees for single-visit permits.

There shall be two types of Federal recreation fees; (a) Entrance fees for admission to any Designated Entrance Fee Area, and (b) special recreation use fees for the use of sites, facilities, equipment, or services furnished at Federal expense, or for group activities, recreation events, motorized recreation vehicles, or for other specialized recreation uses. There shall be two types of entrance fees: (1) Fees for annual permits, which shall gain admission to any Designated Entrance Fee Area during the calendar year for which the fees are paid, when entry is by a single, private, non-commercial vehicle, and (2) fees for single visits to any Designated Entrance Fee Areas, which shall be applicable to persons who choose not to purchase the annual permit or who enter such an area by means other than by a single, private, non-commercial vehicle.

§ 18.3 Designation.

(a) An area or closely related group of areas shall be designated as an area at which entrance fees shall be charged (hereinafter "Designated Entrance Fee Area") if the following conditions are found to exist concurrently:

(1) The area is a unit of the National Park System administered by the Department of the Interior;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreational purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that fee collection is administratively and economically practical.

(b) Any specialized sites, facilities, equipment, services, or closely related groups of which virtualized or outdoor recreation (hereinafter "facilities") shall be designated as facilities for which special recreation use fees shall be charged (hereinafter "Designated Special Recreation Use Facilities"); if the following conditions are found to exist concurrently:

(1) The facilities are developed, administered, or provided by any bureau of the Department of the Interior;

(2) The facilities are provided at Federal expense;

(3) The nature of the facilities is such that fee collection is administratively and economically practical;

(4) A substantial investment has been made in the facilities;

(5) The facilities require regular maintenance;

(6) The facilities are utilized for the personal benefit of the user for a fixed period of time; and

(7) The facilities are not the kind of facilities which virtualized or outdoor recreation might reasonably expect to use without charge, including, but not limited to, such facilities as roads, trails, overlooks, visitor centers, wayside exhibits, or picnic areas.

§ 18.4 Posting.

The heads of the bureaus of the Department of the Interior shall provide for the posting of designation signs at all entrances to Designated Entrance Fee Areas and at areas with Designated Special Recreation Use Facilities in a manner such that the visiting public will be clearly notified that entrance or special recreation use fees are charged.

(a) All Designated Entrance Fee Areas shall be posted with a sign as indicated below with the following characteristics:

(1) Be constructed of enameled steel, coated aluminum, silk screen reflective materials attached to wood or metal, or other permanent materials;

(2) Consist of the basic elements, proportion, and color as indicated below:

(1) The Golden Eagle Insignia (hereinafter defined in § 18.16) with the words "The Golden Eagle" and the re-
representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border).

(a) The color midnight blue shall be Pantone Matching System 282; the color gold shall be Pantone Matching System 130;
(b) The rounded triangle shall be 18 inches in vertical height at all Designated Entrance Fee Areas, except that at those areas entered only on foot, the rounded triangle may be 9 inches in vertical height;
(c) Contains the words “U.S. Fee Area” as indicated below.

SPECIFICATIONS FOR OFFICIAL DESIGNATION SIGN

DIMENSIONS FOR STANDARD SIGN

12" DIA

U.S. FEE AREA

DIMENSIONS FOR OPTIONAL HALF-SIZE SIGN

10" DIA

U.S. FEE AREA

(b) All Designated Special Recreation Use Facilities shall be posted with signs identical to the above described sign.

(c) Appropriately sized replicas of the above described signs may be used in conjunction with all other signs erected by any bureau of the Department of the Interior which direct the public to Designated Entrance Fee Areas or Designated Special Recreation Use Facilities. Such signs may also be used in combination with other Federal recreation fee signs or incorporated into larger Federal recreation fee signs by the bureaus of the Department of the Interior or other Federal recreation agencies.

(d) No entrance fee or special recreation use fee established pursuant to this part shall be effective at any Designated Entrance Fee Area and/or Designated Special Recreation Use Facilities until that area or those facilities have been posted.

§ 18.5 Golden Eagle Passport.

(a) The Golden Eagle Passport is an annual permit, valid on a calendar-year basis, for admission to any Designated Entrance Fee Area. The charge for the Golden Eagle Passport shall be $10.
(b) The Golden Eagle Passport shall admit the purchaser and any person accompanying him in a single, private, noncommercial vehicle to Designated Entrance Fee Areas where entrance or admission fees are charged during the period for which the permit is valid.
(c) “Private, noncommercial vehicle,” for the purpose of this part, shall include any passenger car, station wagon, pickup camper truck, motorcycle, or other motor vehicle which is conventionally used for private recreation purposes.
(d) The annual Golden Eagle Passport does not authorize any use of facilities which have been designated as Designated Special Recreation Use Facilities for which special recreation use fees shall be charged.
(e) The annual Golden Eagle Passport shall be for sale in all post offices of the first and second class and at such others as the Postmaster General shall direct, and at Designated Entrance Fee Areas of the National Park Service.

§ 18.6 Golden Age Passport.

(a) Issuance of the Golden Age Passports:
   (1) Golden Age Passports will be issued by appropriate Federal personnel (hereinafter "Issuing Officer") at all post offices of the first and second class and at such others as the Postmaster General shall direct, and at field offices designated by the heads of the bureaus administering Designated Entrance Fee Areas and Designated Special Recreation Use Facilities.
   (2) Golden Age Passports will be issued free of charge upon the presentation of valid, suitable identification which attests to the fact that a person is 62 years of age or older. Such identification may include, but is not limited to, a State driver’s license, a birth certificate, etc.
   (3) Those persons 62 years of age or older not having in their possession any valid, suitable identification may be issued a Golden Age Passport on the basis of an affidavit below, if such an affidavit is signed in front of the Issuing Officer.

Passport No. [ ]

To the Secretary of the Interior:
I do hereby swear or affirm that I am 62 years of age or older and that I am duly entitled to be issued free of charge one Golden Age Passport pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended by the Act of July 11, 1972, 86 Stat. 459.

Signature
Street
Town/City, State
Issuing Officer

(4) The Passport must be applied for in person and signed in front of the
§ 18.9

"mustering bureaus of the Department shall be nontransferable.

dated by the signature of its bearer on request of any authorized Person of its owner, and shall be exhib­

§ 18.8 Validation and display of en­

noon of the day following the last day receipt.

mitted, such permits shall be valid until which it was purchased. In addition, at Designated Entrance Fee Areas for which entrance fees were paid, ex­

cept as otherwise posted.

Fees for single-visit permits.

(a) There shall be two types of fees for single-visit permits charged at Designated Entrance Fee Areas: One applicable to those entering by private, noncom­mercial vehicle and one applicable to those entering by any other means.

(b) The fee for a single-visit permit applicable to those entering by private, noncommercial vehicle shall be $1 to $3 per person per day at the discretion of the heads of the bureaus. The single­visit permit shall be valid only at the one Designated Entrance Fee Area for which it is paid. The single-visit permit shall admit, without further payment, the pur­chaser and all persons accompanying him in a private, noncommercial vehicle during its period of validity.

(c) The fee for a single-visit permit charged at Designated Entrance Fee Areas, applicable to those entering by any means other than private, noncommercial vehicle shall be $0.50 to $1.50 per person per day at the discretion of the heads of the bureaus and shall be valid at the one Designated Entrance Area for which it is paid.

(d) Any of the permits provided for in paragraphs (b) and (c) of this section shall be valid at the Designated Entrance Fee Area for which it was purchased during the same calendar day or days for which it was purchased. In addition, at areas in which overnight use is permitted, such permit shall be valid until noon of the day following the last day for which entrance fees were paid, except as otherwise posted.

§ 18.3 Validation and display of en­

permit shall be valid at a rate in accord with the criteria set forth in this section.

§ 18.12 Collection of Federal recreation fees.

§ 18.14 Exceptions, exclusions, and exe­

ations.

In the application of the provisions of this part, the following exceptions, ex­

clusions, and exemptions shall apply:

(a) Nothing contained herein shall authorize Federal hunting or fishing licenses or fees;

(b) No entrance fee shall be charged for travel by private noncommercial vehicle over any National Parkway, or any road or highway established as part of the National Federal-Aid System, which is commonly used by the public as a means of travel between two places, either or both of which are outside the area;

(c) No entrance fee shall be charged for travel by private noncommercial vehicle over any road or highway to any land in which such person has any prop­erty right if such land is within any designated Federal recreation fee area.

§ 18.9 Establishment of special recreation use fees.

(a) Special recreation use fees shall be selected by all outdoor recreation ad­ministering bureaus of the Department of the Interior from within the range of fees listed below provided that such fees are established in accordance with the following criteria:

(1) The direct and indirect cost to the Government;

(2) The benefit to the recipient;

(3) The public policy or interest served;

(4) The comparable recreation fees charged by other Federal and non-Fed­eral public agencies within the service area of the management unit at which the fee is charged;

(5) The economic and administrative feasibility of fee collection; and

(6) Other pertinent factors.

§ 18.10 Special recreation use permits.

Notwithstanding other sections of this part, special recreation use permits for uses such as group activities, recreation, pleasure, motorized recreation vehicles, and other specialized recreation uses may be issued in accordance with proce­dures and fees established by the bureau involved.

§ 18.11 Effective dates of Federal recreation fees.

Effective January 1, 1973, the fees provided for in this part shall be charged at every posted Designated Entrance Fee Area and for posted Designated Special Recreation Use Facilities.

§ 18.12 Collection of Federal recreation fees.

Heads of the bureaus of the Department of the Interior shall provide for the color in this fee at posted Design­ated Entrance Fee Areas and for posted Designated Special Recreation Use Facilities.

§ 18.13 Enforcement.

Persons authorized by the heads of the appropriate bureaus to enforce these regulations may, within areas under the administration or authority of such bureau head and with or if the offense is committed in his presence, without a warrant, arrest any person who violates these rules and regulations. Any viola­tions of the rules and regulations issued in this part except those in § 18.16, shall be punishable by a fine of not more than $100.
limited to organized tours or outings conducted for educational or scientific purposes related to the resources of the area visited by bona fide institutions established for these purposes; nor shall any entrance fee be charged any person conducting State, local, or Federal government business.

(f) No entrance fee shall be charged at any entrance to Great Smoky Mountains National Park unless such fees are charged at main highway and thoroughfare entrances.

(g) No entrance fees shall be charged for persons who have not reached their 16th birthday.

(h) Until July 12, 1975, no entrance fees shall be charged foreign visitors to the United States seeking admission to Designated Entrance Fee Areas upon presentation of a valid passport.

(i) No entrance fees shall be charged persons having a right of access to lands or waters administered by the Federal Government for hunting or fishing privileges under a specific provision of law or treaty.

§ 18.15 Public notification.

The administering bureaus shall notify the public of the specific Federal recreation fees which will be charged for each Designated Entrance Fee Area and Special Recreation Use Facilities under their respective jurisdictions. Such notification shall be accomplished by posting such information at each area and facility, and by local public announcements, press releases, publications distributed at each area or facility, and other suitable means.

§ 18.16 The Golden Eagle Insignia.

(a) Definitions.

(1) The term "The Golden Eagle Insignia" (hereinafter "Insignia") as used in this section, means the symbol for Federal recreation agencies and departments which the Insignia is used in this part, refers to any use, in

(2) The Secretary, in determining whether the intended use will be an enhancement of the Golden Eagle program which would complement the program as it is administered by Federal recreation agencies and departments.

(3) Whether the intended use is likely to cause confusion, or to cause mistake, or to deceive the public by creating the impression that the use is official.

(4) Whether the intended use is injurious to the integrity of the concept of the Insignia.

(b) Licenses for commercial and public service use. (1) Any person, business, or organization (hereinafter called the "applicant") wishing a license for commercial or public service use of the Insignia must make written application to the Secretary stating:

(i) The nature and scope of the intended use or public service use of the Insignia;

(ii) The applicant's name and address;

(iii) The nature of the applicant's business or activities, and the relationship between the intended use and said business or activities.

(c) Royalty fees for commercial and public service use. (1) Royalty fees for commercial use of the Insignia shall be established at reasonable rates and shall be paid under the license are not expected to exceed $10,000.

(2) No license granted by the Secretary shall be subject to revocation or cancellation at any time that he finds that: (a) The criteria under which the license was granted are not being fulfilled; or (b) there has been a violation of the terms and conditions of the license.

(3) Any license granted by the Secretary for public service use of the Insignia is subject to the following terms and conditions:

(i) The license is nontransferable.

(ii) All proposed uses of the Insignia must be approved by the Secretary prior to manufacture, importation, reproduction, or distribution by the licensee.

(iii) The license shall be subject to revocation by the Secretary at any time that he finds that: (a) The criteria under which the license was granted are not being fulfilled; or (b) there has been a violation of the terms and conditions of the license.

(d) Authorized use of the Insignia. (1) Unauthorized use of the Insignia is all use except. The licensed commercial use or public service use of the Insignia; official use of the Insignia; and any lawful use of the Insignia, similar emblem or words which antedates the Act of July 11, 1972, 86 Stat. 459.

(2) Whoever makes unauthorized use of the Insignia or any facsimile thereof, in such a manner as is likely to cause confusion, or to cause mistake, or to deceive the public by creating the impression that the use is official, shall be fined not more than $250 or imprisoned not more than 6 months or both.

(3) Any unauthorized use of the Insignia may be enjoined at the suit of the Attorney General upon complaint by the Secretary.

(4) Royalty fees for commercial and public service use. (1) Royalty fees for licensed commercial use of the Insignia shall be established at reasonable rates by contract between the licensee and the Secretary.

(5) Royalty fees for licensed public service use of the Insignia shall be waived by the Secretary.

(c) Abandonment of the Golden Eagle Insignia. The rights of the United States in the Golden Eagle Insignia shall terminate if the use of the Insignia is abandoned by the Secretary. Notice for a continued period of 2 years shall constitute abandonment.

[FR Doc.73-2249 Filed 2-5-73; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14871; FCC 73-40]

PART 73—RADIO BROADCAST SERVICES

Type Approval of Antenna Monitors

In the matter of amendment of Part 73 of the Commission's rules and regula-
PART 1003—LIST OF FORMS

Application for Exemption

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 9th day of September 1972.

It is ordered, That application Form BW-4 be, and it is hereby, vacated and set aside, and it shall be superseded by the Form OP-WC-10, as set forth in the appendix hereto.¹

(Secs. 303(e) and 303(h); 49 CFR Parts 402 and 403)

It is further ordered, That § 1003.3 of Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to add heading OP-WC-10, which shall read as follows:

§1003.2 OP-WC-10.

Application for exemption under part III of the Interstate Commerce Act under section 303(e) or 303(h); revised September 29, 1973.

It is further ordered, That this order shall become effective on February 12, 1973.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., for inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, Secretary.

[F.R. Doc 73-2259 Filed 2-5-73; 8:45 am]

SUBCHAPTER D—TARIFFS AND SCHEDULES

PART 1311—SPECIAL PROCEDURES FOR TARIFF FilINGS UNDER THE WAGE AND PRICE STABILIZATION PROGRAM

Special Procedures for Tariff Filings Under the Wage and Price Stabilization Program

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 30th day of January 1973.

The Interstate Commerce Commission, by order entered July 13, 1972, adopted revised rules and regulations prescribing special procedures for tariff filings under the wage and price stabilization program. These rules and regulations require revision to conform to, and to implement, Executive Order 11655 and §§128.80-81 of the regulations of the Cost of Living Council, as revised January 11, 1973, 38 FR 1484, January 12, 1973. Therefore, and for good cause appearing, it is ordered,

That pursuant to authority of sections 6(b), 317(a), 318(a), 306(b), 306(c), and 306(b) of the Interstate Commerce Act, 49 U.S.C. 6(b), 317(a), 318(a), 306(b), 306(c), and 306(b), and the Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-588, 84 Stat. 1668; Public Law 92-3, 85 Stat. 13; Public Law 92-210, 85 Stat. 743; Executive Order No. 11695, and §130.61 of the regulations of the Price Commission, 38 FR 1484, January 12, 1973, the following said rules and regulations are adopted:

§1311.5 Standards applicable during Phase III of the wage and price stabilization program.

(a) This section supersedes §§1311.0-1311.4 and the appendix thereto. However, the provisions of §§1311.0-1311.4, to the extent that they are pertinent under Phase III of the wage and price stabilization program, may be incorporated in applying the standards established for public utilities by the Cost of Living Council (6 CFR 130.81) and set forth in paragraph (b) of this section. In implementing this section, the Commission will continue to apply the exemptions set forth in §1311.0(d) (1)-(7) and the Cost of Living Council's small business exemptions (4 CFR 130.40).

(b) Increases in the rates, as defined in section 15a(1) of the Interstate Commerce Act (49 U.S.C. 15a(1)), for transportation services subject to Parts I, II, III, and IV of the Act, effective January 11, 1973, should be consistent with the following criteria:

(1) The increase is cost justified and does not reflect future inflationary expectations.

(2) The increase is the minimum required to assure continued adequate and safe service or to provide for necessary expansion to meet future requirements.

(3) The increase will achieve the minimum rate of return needed to attract capital at reasonable costs and will not impair the credit of the public utility.

(4) The increase takes into account expected and obtainable productivity gains.

(c) The Commission, acting upon its own motion or upon protest filed by any interested person, in any case in which it finds that there is good reason to believe that a proposed rate increase is not in conformity with the standards set forth in paragraph (b) of this section, may suspend the proposed increase in whole or in part and investigate the proposal. In such an investigation, the burden of proof shall be upon the proponents of the increase to establish compliance with those standards.

(d) In order to lessen the possibility of duplication, as described in paragraph (c) of this section, the proponents of a proposed increase may, at the time the proposed increase is filed with the Com-
mission, voluntarily submit evidence establishing that the proposed increase meets the standards set forth in paragraph (b) of this section. Nothing in this section shall be construed as constituting a waiver of the requirements contained in Procedures Governing Rail Carrier General Increase Proceedings, 49 CFR Part 1102, or in Procedures to be Followed in Motor Carrier Revenue Proceedings, 49 CFR Part 1104.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-2257 Filed 2-6-73; 8:45 am]

Title 50—Wildlife and Fisheries
CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Arapaho National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on February 6, 1973.

§ 33.3 Special regulations; sport fishing; for individual wildlife refuge areas.

COLORADO

ARAPAHO NATIONAL WILDLIFE REFUGE

Sport fishing on the Arapaho National Wildlife Refuge, Colo., is permitted from January 1 through December 31, 1973, inclusive, on open areas delineated on maps available at refuge headquarters. These open areas, comprising 327 acres, are delineated on maps available at refuge headquarters, Walden, Colo., and from the Area Manager, Bureau of Sport Fisheries and Wildlife, Federal Building, Room 2215, 125 South State Street, Salt Lake City, UT 84111. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

M. A. MARSTON, Regional Director.


[FR Doc.73-2216 Filed 2-5-73; 9:45 am]

PART 33—SPORT FISHING

National Elk Refuge, Wyo.

The following special regulation is issued and is effective on February 6, 1973.

§ 33.3 Special regulations; sport fishing; for individual wildlife refuge areas.

WYOMING

NATIONAL ELK REFUGE

Sport fishing on the National Elk Refuge, Wyo., is permitted on the areas designated by State fishing orders as open to fishing. These open areas, comprising 227 acres, are delineated on maps available at refuge headquarters, Jackson, Wyo., and from the Area Manager, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Post Office Box 1296, Billings, MT 59103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

Use of boats or other floating devices is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 31, 1973.

M. A. MARSTON, Regional Director.


[FR Doc.73-2216 Filed 2-5-73; 8:45 am]
termination of U.S. Standards for Canning Tomatoes (7 CFR 51.4240-51.4250) and U.S. Standards for Grades of Tomatoes for Manufacture of Strained Tomato Products (7 CFR 51.4218-51.4223). The U.S. Standards for Grade Evaluation of Tomatoes for Processing were issued in February 1964. Since that time, there have been a number of major changes in the standards published under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the revision of the standards. The U.S. Standards for Grade Evaluation of Tomatoes for Processing were issued in November 30, 1972. Practically all comments were received by December 31, 1972. The National Canners Association and the National Canners Ad Hoc Committee on Tomato Grading to discuss the proposal and review the findings of studies conducted during the 1972 season.

The period for comment ended on November 30, 1972, and six letters of comments were received in response to the proposal. Practically all comments were from growers and processors, or organizations representing growers from Midwest and Eastern producing States. Most of the views expressed by members of the Tomato processing industry specified the areas in the proposal which were acceptable or those which were considered undesirable. There was unfavorable response concerning the proposal to limit the number of categories to three instead of four which appeared in the 1971 study draft, and that tomatoes in Category B should be evaluated on the basis of a combination of mold, decay, and other defects. Both grower and processor groups recommended that tomatoes affected by mold and decay should be restricted in a new Category C. There was also strong objection to the proposal to grade tomatoes with attached stems over 1 inch in length and to tighten the requirements relating to "firmness." Both growers and processors objected to the subjective evaluation of "mechanical damage" as specified in the Defect Classification Guide section.

It is inevitable that there will be differences of opinion among growers and processors concerning the requirements of the standards. It is the responsibility of the Agricultural Marketing Service to provide voluntary grade standards which are useful to the entire tomato industry. The revised standards incorporate certain requirements from, and supersede the U.S. Standards for Canning Tomatoes, effective December 31, 1938; and U.S. Standards for Grades of Tomatoes for Manufacture of Strained Tomato Products, effective March 1, 1933. Also the title is changed from U.S. Standards for Grade Evaluation of Tomatoes for Processing to U.S. Standards for Grades of Tomatoes for Processing. The following changes from the published proposal should result in standards with reasonable requirements which will gain acceptance from the tomato processing industry.

(1) The number of grade categories will be increased from three to four. "Category B" tomatoes will be required to be free from mold or decay and a "Category C" tomato is not so soft that it will lose more than 10 percent by weight during the processing process.

(2) "Category A" tomatoes will be required to be firm, meaning that the tomato is not so water-soaked, soft, shriveled, or puffy that it will lose more than 10 percent of its weight during the washing process. "Category A" tomatoes will be required to be free from mold or decay, including Anthracnose, to not more than 10 percent by weight of the individual tomato.

(3) "Category C" tomatoes will be required to be free from mechanical damage, meaning when more than two locules are exposed. "Category C" tomatoes will be required to be fairly firm, in response to several recommendations. Fairly firm means that the tomato is not so soft that it will lose more than 20 percent of its weight during the processing process.

(4) "Category B" tomatoes will be required to be free from mold or decay and a "Category C" tomato is not so soft that it will lose more than 10 percent by weight during the processing process.
(5) Mechanical damage when more than one locule is exposed or when causing a loss of more than 10 percent by weight, of the tomato;
(6) Mold or decay; and,
(7) Any other defect or combination of defects, the removal of which in the preparation for processing causes a loss of more than 10 percent, by weight, of the tomato.

§ 51.3312 Category B.

"Category B" consists of tomatoes which meet the following requirements:
(a) Basic requirements:
(1) Fairly firm; and,
(2) Color:
(i) Tomato color index (TCI) shall be as specified in § 51.3317; or,
(ii) Fairly well colored. (See § 51.3317.)
(b) Free from:
(1) Any worm attached;
(2) Worm injury;
(3) Freezing;
(4) Stems over 3 inches in length;
(5) Mechanical damage when more than two locules are exposed or when causing a loss of more than 20 percent by weight, of the tomato; (6) Mold or decay; and,
(7) Any other defect or combination of defects, the removal of which in the preparation for processing causes a loss of more than 20 percent, by weight, of the tomato.

§ 51.3313 Category C.

"Category C" consists of tomatoes which meet the following requirements:
(a) Basic requirements:
(1) Fairly firm; and,
(2) Color:
(i) Tomato color index (TCI) shall be as specified in § 51.3317; or,
(ii) Fairly well colored. (See § 51.3317.)
(b) Free from:
(1) Any worm attached;
(2) Worm injury;
(3) Freezing;
(4) Stems over 3 inches in length;
(5) Anthracnose when more than two spots or aggregating more than a circle three-eighths inch in diameter; and,
(6) Other mold or decay, or a combination of other defects including mold or decay, the removal of which in the preparation for processing causes a loss of more than 20 percent, by weight, of the individual tomato; including therein not more than 10 percent resulting from mold or decay.

Culls

§ 51.3314 Culls.

"Culls" are tomatoes which fail to meet the requirements of Category C and, when color evaluation is determined by means of a photometric instrument, including tomatoes which are completely green.

PERCENT USABLE

§ 51.3315 Percent usable.

"Percent usable" is a calculation of total weight of tomatoes in Category A, plus 55 percent of the weight of tomatoes in Category B, plus 75 percent of the weight of tomatoes in Category C.

RULERS AND REGULATIONS

§ 51.3316 Percent waste.

"Percent waste" is a calculation of total weight of Culls, plus 15 percent of the weight of tomatoes in Category B, plus 25 percent of the weight of tomatoes in Category C.

COLOR EVALUATION

§ 51.3317 Color evaluation.

Color shall be determined according to one of the following methods:
(a) Unless otherwise specified, the tomato color index (TCI) of a composite raw juice sample shall not be less than 63 as determined by means of a photoelectric instrument (USDA Tomato Colorimeter).
(b) Each tomato in the color sample must show a definite change in surface color from green to tannish-yellow, pink, red, or a combination thereof; or
(b) Each tomato shall be "fairly well colored."

"Fairly well colored" means that at least two-thirds of the flesh of the tomato has good red color: Provided, That a tomato having flesh of a lighter shade of red shall be considered as "fairly well colored" if sufficient amount of the flesh has a red color equivalent to that of a tomato with two-thirds good red color.

§ 51.3318 Extraneous Material.

(a) Extraneous material is loose stems, vines, and dirt, adhering dirt, stones, trashes, and other foreign material.
(b) The amount of extraneous material in any lot may be specified in connection with these standards.

§ 51.3319 Firm.

"Firm" means that the tomato is not water-soaked to the extent that it is so soft, shriveled or puffy that it will lose more than 20 percent of its weight during the peeling or washing process.

§ 51.3320 Fairly firm.

"Fairly firm" means that the tomato is not water-soaked to the extent that it is so soft, shriveled or puffy that it will lose more than 20 percent of its weight during the peeling or washing process.

§ 51.3321 Worm injury.

"Worm injury" means any worm injury that has penetrated through the outer wall of the tomato.

§ 51.3322 Mold or decay.

"Mold or decay" means breakdown, disintegration or fermentation of the fruit of the tomato caused by bacteria or fungi.

§ 51.3323 Freezing.

"Freezing" means that the tomato is frozen or shows evidence of having been frozen.

§ 51.3324 Green.

"Green" means that the surface of the tomato is completely green in color. The shade of green color may vary from light to dark.

§ 51.3325 Mechanical damage.

"Mechanical damage" means that the tomato is bruised, crushed or ruptured.

§ 51.3326 Defect classification guide.

<table>
<thead>
<tr>
<th>Defect</th>
<th>Waste</th>
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<tbody>
<tr>
<td>More than 10 percent</td>
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<td>More than 20 percent</td>
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<tr>
<td>Sunburn (thin superficial type)</td>
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<tr>
<td>When extending more than ½ inch from stem scar, and more than 5 % of the circumference of a 2½-inch tomato.</td>
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<tr>
<td>(Type which penetrates outer wall)</td>
<td></td>
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<tr>
<td>When extending more than ½ inch from stem scar, and more than 5 % of the circumference of a 2½-inch tomato.</td>
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<tr>
<td>Worms and worm injury</td>
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<tr>
<td>Tomatoes with worms attached or with worm injury that has penetrated through the outer wall, or attached cocoons, shall be classified as &quot;Culls&quot;.</td>
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<tr>
<td>Grasshoppers, crickets, and other insects shall be ignored.</td>
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<tr>
<td>Presence of such factors shall be evaluated from the periphery.</td>
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<tr>
<td>Insects</td>
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<tr>
<td>Presence of such factors shall be evaluated from the periphery.</td>
<td></td>
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<tr>
<td>Growth cracks</td>
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<tr>
<td>Baddly discolored cracks which are not affected by mold or decay shall be evaluated on a waste basis. Cracks affected by mold or decay which has penetrated the fleshly wall of the tomato shall be classified as &quot;Category C&quot;, unless additional defects make them &quot;Culls&quot;.</td>
<td></td>
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<tr>
<td>Fruit affected by such defects shall not be handled on a waste basis. Presence of such factors shall be evaluated from the periphery.</td>
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<tr>
<td>Blossom end rot</td>
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<tr>
<td>Tomatoes affected by such defects shall not be handled on a waste basis. Presence of such factors shall be evaluated from the periphery.</td>
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<tr>
<td>Sunscald</td>
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<tr>
<td>Tomatoes affected by such defects shall not be handled on a waste basis. Presence of such factors shall be evaluated from the periphery.</td>
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<tr>
<td>Freezing</td>
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<tr>
<td>Tomatoes affected by such defects shall not be handled on a waste basis. Presence of such factors shall be evaluated from the periphery.</td>
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<tr>
<td>Mold or decay</td>
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<tr>
<td>Tomatoes affected by mold or decay which has penetrated the flesh shall be classified as &quot;Category C&quot; or &quot;Culls&quot; depending upon the amount of waste.</td>
<td></td>
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</tbody>
</table>

FEDERAL REGISTER, VOL. 38, NO. 24—TUESDAY, FEBRUARY 6, 1973
Pursuant to said authority the said quarantine and regulations are revised to read as follows:

**Quarantine and Regulations**

Sec. 301.81 Quarantine; restriction on interstate movement of specified regulated articles.

301.81-1 Definitions.

301.81-2 Authorization to designate, and to move regulated articles within and throughout the United States, and to import regulated articles, and to move regulated articles from quarantined States.

301.81-3 Conditions governing the interstate movement of regulated articles.

301.81-4 Issuance and cancellation of certificates and permits.

301.81-5 Compliance agreement, and cancellation thereof.

301.81-6 Assembly and inspection of regulated articles.

301.81-7 Attachment and disposition of certificates or permits.

301.81-8 Inspection and disposal of regulated articles and pests.

301.81-9 Movement of live imported fire ant.

301.81-10 Nonviability of the Department.

**PART 301—DOMESTIC QUARANTINE NOTICES**

**Subpart—Imported Fire Ant**

Pursuant to sections 8 and 9 of the Plant Quarantine Act, as amended, and sections 8 and 9 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 81 relating to the imported fire ant and regulations supplemental to said quarantine (7 CFR 301.81, 301.81-1, 301.81-2, 301.81-5, et seq.), are hereby revised.

The regulations have been revised to delete from the list of regulated articles the following: Compost, decomposed manure, humus, manure, manured and composted soil, peat moss, ash, maple, oak, pine, poplar, and stumpwood. After a review of the regulations, it was decided that these articles would be deleted because they present little or no hazard of spread of the pest in the way they are presently being handled.

Also, the list of regulated articles is now the same regarding movement of regulated articles from generally infested areas and suppressive areas.

Further, the revision specifically authorizes the Deputy Administrator to terminate the designation of regulated areas under specified criteria. Section 301.81-4 was amended to restrict the issuance of certificates by a holder of a compliance agreement to the issuance of certificates based on compliance with treatment and other requirements. Various other changes were also made.

**CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE**

**Subpart—Imported Fire Ant**

Pursuant to sections 8 and 9 of the Plant Quarantine Act, as amended, and sections 8 and 9 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 81 relating to the imported fire ant and regulations supplemental to said quarantine (7 CFR 301.81, 301.81-1, 301.81-2, 301.81-5, et seq.), are hereby revised.

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Further, the revision specifically authorizes the Deputy Administrator to terminate the designation of regulated areas under specified criteria. Section 301.81-4 was amended to restrict the issuance of certificates by a holder of a compliance agreement to the issuance of certificates based on compliance with treatment and other requirements. Various other changes were also made.

**Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed respectively to mean:**

(a) Certificate. A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles to any destination.

(b) Compliance agreement. A written agreement between two persons engaged in growing, handling, or moving regulated articles, and the Plant Protection and Quarantine Programs, wherein the former agrees to comply with the requirements of this subpart.

(c) Inspector. Any employee of the Plant Protection and Quarantine Programs, U.S. Department of Agriculture, or any other person, authorized by the Deputy Administrator to enforce the provisions of the quarantine and regulations in this subpart.

(d) Interstate. From any State into or through any other State.

(e) Importation permit. A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertified regulated articles to a specified destination for limited handling, utilization, or processing or for treatment.

(f) Mechanized soil-moving equipment. Mechanized equipment, including special vehicles, used to move or transport soil—e.g., draglines,
bulldozers, roadscrapers, dumptrucks, etc.

Moved (movement, move). Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved by any means. “Movement” and “move” shall be construed accordingly.

(i) Person. Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(k) Regulation. A rule of the Animal and Plant Health Inspection Service intended to provide for enforcing provisions of the Plant Quarantine Act and Federal Plant Pest Act, and regulations promulgated thereunder.

(n) Regulated area. Any quarantined State, or any portion thereof, listed as a regulated area in § 301.81-2a or otherwise designated as a regulated area in accordance with § 301.81-2(b).

(o) Regulated articles. Any articles described in § 301.81-2a.

(p) Restricted destination permit. A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certifiable under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(q) Scientific permit. A document issued by the Deputy Administrator to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(r) Soil. That part of the upper layer of earth in which plants can grow.

(s) State. Any State, Territory, or District of the United States, including Puerto Rico.

(t) Suppressive area. That portion of a regulated area where eradication of infestation is undertaken as an objective, as designated under § 301.81-2(a).


§ 301.81-2 Authorization to designate, and terminate designation of, regulated areas and suppressive or generally infested areas; and to exempt articles from certification, permit, or other requirements.

(a) Regulated areas and suppressive or generally infested areas. The Deputy Administrator shall list as regulated areas, in a supplemental regulation designated as § 301.81-2a, each quarantined State; or each portion thereof in which infestation exists or has been found, or in which there is reason to believe that imported fire ant is present, or which it is deemed necessary to regulate because of its proximity to infestation or its importance for quarantine or enforcement purposes from infested localities. The Deputy Administrator, in the supplemental regulation, may designate any regulated area or portion thereof as a suppressive or generally infested area in accordance with the definitions thereof in § 301.81-1. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator, in the supplemental regulation, finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

§ 301.81-3 Conditions governing the interstate movement of regulated articles.

(a) Any regulated articles except soil samples for processing, testing, or analysis may be moved interests from any quarantined State under the following conditions:

(i) With certificate or permit issued and attached in accordance with §§ 301.81-4 and 301.81-7 if moved:

(ii) From any generally infested area or any suppressive area into or through any point outside of the regulated areas; or

(iii) From any generally infested area into or through any suppressive area; or

(iv) Between any noncontiguous suppressive areas;

(b) Temporary designation of regulated article or area.

(i) From any regulated area, without certificate or permit if moved:

(ii) From a generally infested area to a contiguous generally infested area; or

(iii) From a suppressive area to a contiguous generally infested area;

(iv) Between contiguous suppressive areas when it is determined by an inspector that the regulated articles present a hazard of spread of the imported fire ant and the person in possession thereof has been notified;

(v) Through or reshipped from any regulated area when such movement is not authorized under subparagraph (2) of this paragraph;

(vi) From any regulated area, without certificate or permit if moved:

(i) Under the provisions of § 301.81-2b which exempts certain articles from certificate and permit requirements; or

(ii) From a generally infested area to a contiguous generally infested area; or

(iii) From a suppressive area to a contiguous generally infested area;

(vii) Through or reshipped from any regulated area into any area or point outside of any regulated area and if the point of origin of the articles is clearly indicated, their identity has been maintained, and they have been safeguarded, and they have been certified in the United States or in Puerto Rico in a manner satisfactory to the inspector; or

(viii) From any area outside the regulated areas, if moved:

(i) With a certificate or permit attached; or

(ii) Without a certificate or permit.

(b) The point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

(b) Unless specifically authorized by the Deputy Administrator in emergency situations, soil samples for processing, testing, or analysis may be moved inter-

Requirements under all other applicable Federal domestic plant quarantines must also be met.
state from any regulated area only to laboratories approved 3 by the Deputy Administrator and so listed by him in a supplemental regulation. A certificate or permit will not be required to be attached to such soil samples except in those situations where the Deputy Administrator has authorized such movement only with a certificate or permit issued and attached in accordance with §§ 301.81-4 and 301.81-7. A certificate or permit will not be required to be attached to soil samples originating in areas outside of the regulated area if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

§ 301.81-4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles; and

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within that area.

(2) Upon examination, have been found to be free of infestation; or

(3) Have been treated to destroy infestation in accordance with the treatment manual.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when, upon evaluation of the circumstances involved in each specific case, it is determined that treatment in accordance with the treatment manual will not result in the spread of the imported fire ant and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow interstate movement (for other than scientific purposes) of regulated articles to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under such quarantines and would otherwise qualify for certification under this subpart.

(d) Scientific permits to allow the interstate movement of regulated articles may be issued by the Deputy Administrator under such conditions as may be prescribed in each specific case by the Deputy Administrator to prevent the spread of the imported fire ant.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use for subsequent shipments of regulated articles provided such person is operating under a compliance agreement and such permit is authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may execute and issue the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has treated such regulated articles to destroy infestation in accordance with the treatment manual, and if such regulated articles are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles. Any such person may execute and issue the limited permit forms or reproductions of such forms, for interstate movement of regulated articles to specified destinations when the inspector has made the determinations specified in paragraph (b) of this section. Any such person may also execute and issue the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the Inspector or the Deputy Administrator if he determines that the holder thereof has not complied with any condition for the use of such document imposed by the Deputy Administrator and if such withdrawal, the holder of the certificate or permit shall be notified of the proposed action and the reason therefor and afforded reasonable opportunity to present his views thereon.

§ 301.81-5 Compliance agreement, and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Deputy Administrator or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is supervising the movement of such articles if, after notice and reasonable opportunity to present views has been accorded to the other party thereto, such other party has failed to comply with the conditions of the agreement.

§ 301.81-6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits or reproductions thereof, under §301.81-4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such manner as the inspector designates to facilitate inspection.

§ 301.81-7 Attachment and disposition of certificates, permits, and supplemental regulations.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit, or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.81-8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and imported fire ants as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Federal Plant Pest Act (7 U.S.C. 156dd) in accordance with instructions issued by the Deputy Administrator.

§ 301.81-9 Movement of live imported fire ants.

Regulations requiring a permit for and otherwise governing the movement of live imported fire ants in interstate or foreign commerce are contained in the Federal Plant Pest Regulations in Part 10 of this chapter. Permits for the movement of the pest may be made to the Deputy Administrator.

§ 301.81-10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of this subpart, other than for the services of the inspector.

Insofar as the revision of the Quarantine and regulations makes more stringent requirements than presently applied, it should be made effective promptly in order to prevent the spread of the imported fire ant and to be of maximum benefit to the noninfested areas. The other changes do not impose additional obligations on any person and are impracticable and unnecessary, and
PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

The purpose of this document is to revise the imported fire ant quarantine regulation to add potting soil to the list of articles exempted from certification, permit, or other requirements and to delete compost, decomposed manure, horse, cow, hog, poultry, pulpwood, and stumpwood from the list of exempted articles because these articles are no longer regulated. It also changes the conditions under which used mechanized soil-moving equipment is exempt. Used mechanized soil-moving equipment is now exempt if cleaned of all loose, noncompacted soil.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150e; 29 U.S.C. 171, as amended), and § 301.81-2 of the imported fire ant quarantine regulations (7 CFR 301.81-2, as amended), a supplemental regulation granting exemption from specified requirements of the regulations is hereby issued, to appear in § 301.81-2b as set forth below. The Deputy Administrator of Plant Protection and Quarantine Programs has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.81-2b Exempted articles.1

The following articles are exempt from the certification, permit, or other requirements of this subpart if they meet the applicable conditions prescribed in paragraph (a) through (c) of this section and have not been exposed to infestation after cleaning or other handling as prescribed in said paragraphs:

(a) Potting soil, if commercially prepared, packaged, and shipped in original containers.
(b) Hay and straw, if being used for packing or bedding.
(c) Used mechanized soil-moving equipment, if cleaned of all loose, noncompacted soil.

1 The articles hereby exempted remain subject to applicable restrictions under other quarantine regulations.
Title 9—Animals and Animal Products
CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE
SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES
[Docket No. 73-508]
PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

This amendment quarantines a portion of Berks County in Pennsylvania because of the existence of hog cholera. This action is deemed necessary to prevent the further spread of the disease. The restrictions will apply to the movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, with final notice of the quarantine.


Done at Washington, D.C., this 31st day of January 1973.

G. H. Wise,
Acting Administrator, Animal and Plant Health Inspection Service.


PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Area Quarantined

This amendment excludes portions of Lehigh and Berks Counties in Pennsylvania from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in §78.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area. No area in Pennsylvania remains under quarantine.

Therefore, pursuant to provisions of the Act of May 29, 1894, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In §78.2 paragraph (e)(11) relating to the State of Pennsylvania is deleted.

Specifically, in the following respects, as contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in §78.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area. No area in Pennsylvania remains under quarantine.

(Federal Register: 38:36258, 1973-06-31)
May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), Part 78, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In §78.14(a), all references to “Arizona” and all references to “Pennsylvania” and the reference to “Pipestone Livestock Auction Market” in Pipestone, Minn., are deleted.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 1265, as amended; sec. 2, 65 Stat. 37 FR 28464, 28477; 9 CFR 72.16(b))


It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department and since interested persons should be informed promptly of such change, it is found upon good cause under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and it should be made effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 31st day of January 1973.

E. E. Saulmon, Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc. 73-2273 Filed 2-3-73; 8:45 am]

Title 10—Atomic Energy
CHAPTER I—ATOMIC ENERGY COMMISSION
PART 2—RULES OF PRACTICE
Separate Hearings on Particular Issues

The Atomic Energy Commission has adopted an amendment of its rules of practice, 10 CFR Part 2, that provides more specifically for a separate hearing in proceedings on applications for construction permits or operating licenses for production or utilization facilities, to consider particular issues separately from other issues which must be considered in such a proceeding. Each separate hearing will be scheduled in the discretion of the Commission or the presiding atomic safety and licensing board, on the request of a party or their own initiative.

Section 1(c) of Appendix A of Part 2 presently provides, at the discretion of the Commission on request of a party, for a separate hearing on the matter of site suitability in facility construction permit proceedings. The amendment expands that section to make specific provision for separate hearings on other issues in both construction permit or operating license proceedings that are appropriate for separate consideration. The amended section provides for the issuance of an initial decision at the conclusion of the hearing if appropriate. Such a decision would be dispositive of the issue or issues considered at the separate hearing, in the absence of exceptions or review on its own motion by the Commission or the Appeal Board.

The amendment which follows is a further indication of the Commission’s intention to adopt from time to time amendments to its regulations which are necessary or desirable for the fulfillment of its broad safety responsibilities in a manner consistent with the public interest in sound decisions arrived at in a timely fashion. It is expected that the amendment will further that objective by permitting the resolution of crucial or potentially dispositive issues in licensing proceedings at the earliest practicable juncture. A separate hearing on separate issues is consistent with judicial procedure, including Rule 42(b) of the Federal Rules of Civil Procedure, and the practice of other regulatory agencies.

It is further expected that the separate hearing procedure for issues in the amendment will be used only sparingly. The mere fact that a number of issues have been raised in a proceeding is not sufficient justification for setting down one or more of these issues for separate hearing. The separate hearing procedure is designed for the early resolution of crucial or potentially dispositive issues and should be employed only where its use is likely to expedite the conduct of the entire proceeding or for other compelling reasons.

Pursuant to the Atomic Energy Act of 1954, as amended, sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 2 is published as a document subject to codification, to be effective on February 8, 1973.

Paragraph (c) of section I of Appendix A is amended to read as follows:

APPENDIX A—STATEMENT OF GENERAL POLICY AND PROCEDURE CONCERNING PROCEEDINGS FOR THE ISSUANCE OF CONSTRUCTION PERMITS AND OPERATING PERMITS FOR PRODUCTION OR UTILIZATION FACILITIES FOR WHICH A HEARING IS REQUIRED UNDER SECTION 169a OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Preliminary Matters

(c) The Commission or the atomic safety and licensing board may, on their own initiative, or on a petition filed by any person after the initial decision under §169a of the Atomic Energy Act of 1954, as amended, or upon complaint, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 2 is published as a document subject to codification, to be effective on February 8, 1973.

In the Matter of Diener’s, Inc., a Corporation, Diener’s of Virginia, Inc., a Corporation, Diener’s of Lanham, Inc., a Corporation, Diener’s of Rockville, Inc., a Corporation, and Harold Reznick, Individually and as Officers of Said Corporations

Diener’s, Inc., et al.

[FR Doc. 73-2179 Filed 2-5-73; 8:45 am]

Title 16—Commercial Practices
CHAPTER I—FEDERAL TRADE COMMISSION

PART 13—PROHIBITED TRADE PRACTICES

Diener’s, Inc., et al.


It is further ordered, That the initial decision is as follows:

1. It is ordered, That respondents’ appeal from the initial decision of the Administrative Law Judge be, and it hereby is, denied.

2. It is further ordered, That the initial decision of the Administrative Law Judge
be, and it hereby is, adopted as the decision of the Commission.

By the Commission, without the concurrence of Commissioner MacIntrye, he did not concur because he said it is apparent to him that much of the decision of the Commission is based upon the testimony of witness Konan. It is the view of Commissioner MacIntrye that the testimony of witness Konan should have been stricken for the reason stated in a dissenting opinion by him in January 1971, during the course of an interlocutory appeal proceeding herein. Commissioner Jones agreed to the opinion on liability but dissented to the order, and submitted a dissenting statement.1

Issued: December 21, 1972.

[SEAL] CHARLES A. TOBIN, Secretary.

[FR Doc.73-2186 Filed 2-5-73; 8:45 am]

[Docket No. C-2337]

PART 13—PROHIBITED TRADE PRACTICES

Foundation Carpet Mills, Inc., and Eugene Hannah

Subpart—Importing, manufacturing, selling, or transporting flammable weave
§ 13.1060 Importing, manufacturing, selling, or transporting flammable weave.


[Cease and desist order, Foundation Carpet Mills, Inc., et al., Dalton, Ga., Docket No. C-2307, Jan. 8, 1973]

In the Matter of Foundation Carpet Mills, Inc., a Corporation, and Eugene Hannah, Individually and as an Officer of the Corporation

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

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

It is ordered, That respondent Foundation Carpet Mills, Inc., a corporation, its successors and assignees, and its officers and respondent Eugene Hannah, individually and as an officer of said corporation and respondents' agents, representatives and employees directly or through subsidiaries, divisions, or other devices, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing or 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, or to destroy said products and effect the recall of said products from such customers.

It is further ordered, That the 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 in detail and in conformity with the applicable standard of flammability or regulation continued in effect, the identity and description of such products, and the results of such action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability or regulation continued in effect.

This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which give rise to this 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 action intended or taken to notify customers of the flammability of said products and effect the recall of said products from customers, and the results thereof, (5) any disposition of said products since April 14, 1972, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability or regulation continued in effect. Respondents will submit with their report, a complete description of each style of carpet or rug currently in inventory or in production. Upon request, respondents will forward to the Commission for testing a sample of any such carpet or rug.

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

It is ordered, That respondent Foundation Carpet Mills, Inc., a corporation, its successors and assignees, and its officers and respondent Eugene Hannah, 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, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation continued in effect, issued or amended under the provisions of the Flammable Fabrics Act, as amended.

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

It is 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 and in conformity with the applicable standard of flammability or regulation continued in effect, the identity and description of such products, and the results of such action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability or regulation continued in effect.


By the Commission.

[SEAL] CHARLES A. TOBIN, Secretary.

[FR Doc.73-2185 Filed 2-5-73; 8:45 am]

[Docket No. C-2338]

PART 13—PROHIBITED TRADE PRACTICES

Scott Carpet Mills, Inc., and Steve Sellinger

Subpart—Importing, manufacturing, selling, or transporting flammable weave
§ 13.1060 Importing, manufacturing, selling, or transporting flammable weave.


[Cease and desist order, Scott Carpet Mills, Inc., et al., Beachwood, Ohio, Docket No. C-2336, Jan. 8, 1973]

In the Matter of Scott Carpet Mills, Inc., a Corporation, and Steve Sellinger, Individually and as an Officer of Said Corporation

Consent order requiring a Beachwood, Ohio, manufacturer and seller of carpets and rugs among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which material 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.

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

It is ordered, That respondent Scott Carpet Mills, Inc., a corporation, its successors and assignees, and its officers and respondent Steve Sellinger, 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, importing, or distributing any product, 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, or to destroy said products and effect the recall of said products from customers, and the results thereof, (5) any disposition of said products since April 14, 1972, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability or regulation continued in effect.

This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which give rise to this 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 action intended or taken to notify customers of the flammability of said products and effect the recall of said products from customers, and the results thereof, (5) any disposition of said products since April 14, 1972, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability or regulation continued in effect. Respondents will submit with their report, a complete description of each style of carpet or rug currently in inventory or in production. Upon request, respondents will forward to the Commission for testing a sample of any such carpet or rug.
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 flammability 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 said products from such customers.

It is further ordered, That the 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 fully and specifically concern (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the action taken and to be taken by the respondents to conform to an applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

PART 13—PROHIBITED TRADE PRACTICES

Sharpes' Appliance Store, Inc., and William H. Sharpe

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements: 13.73–92

It is further ordered, That respondents in event of prepayment of the obligation, will rebate the unearned finance charge as required by § 226.8 of Regulation Z, as required by § 226.8(b)(3) of Regulation Z.

5. Failing to identify the "certain conditions" under which the respondents will rebate the uniform finance charge in event of prepayment of the obligation, as required by § 226.8(7) of Regulation Z.

6. Failing to use the term "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z which are included in the amount financed but which are not part of the finance charge as required by § 226.8(c)(8)(ii) of Regulation Z.

7. Failing to state the period of payments which may be arranged in connection with a consumer credit transaction, without also stating all of the following required to be included in the description of the "period of payments" as the sum of all payments scheduled to repay the indebtedness, as required by § 226.8(e)(3) of Regulation Z.

8. Failing to accurately disclose the "deferred payment price" as the sum of the unpaid balance of the cash price and all other charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, as required by § 226.8(e)(1)(ii) of Regulation Z.

The order to cease and desist, including the proposed assessment of a civil money penalty of $25,000, is stayed pending appeal, if any, of the full extent of any order to cease and desist, and §§ 226.4 and 226.5 of Regulation Z.

That respondents file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.


By the Commission.

[SEAL] CHARLES A. TORIN, Secretary.

[FED Register Vol. 38, No. 24—Tuesday, February 6, 1973]
Order Deferring Billing for Annual Charges

It is further ordered, That respondents shall, within thirty (30) 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.


By the Commission.

[Seal]

Charles A. Tobin, Secretary.

[FR Doc.73-2187 Filed 2-5-73; 8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Utilization of Packages and Labels Not In Compliance With Labeling Requirements

FEDERAL REGISTER, VOL. 38, NO. 24—TUESDAY, FEBRUARY 6, 1973

put on notice that we shall bill the annual charges of Order No. 427 for the full period of the deferral if the Supreme Court ultimately rules that such annual charges are within our statutory authority.

The Commission finds:

That the deferral of billing for annual charges announced herein is necessary and appropriate for carrying out the provisions of the Federal Power Act, the Natural Gas Act, and the Independent Offices Appropriations Act of 1963.

The Commission notes:

Further billing of companies subject to our jurisdiction for the annual charges prescribed by Order No. 427 is deferred until it is decided whether to seek Supreme Court review and, if review is sought, until the Supreme Court has ruled on the charges' legality, either by a decision on the merits or denial of certiorari.

By the Commission.

[Seal]

Kenneth P. Plum, Secretary.

[FR Doc.73-2220 Filed 2-5-73; 8:45 am]
Effective date. This order shall become effective on February 6, 1973.

PART 135c—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

3. Part 135c is amended by adding the following new section:

§ 135c.62 Pyrantel tartrate.

Tolerances are established for residues of pyrantel tartrate in edible tissues of swine as follows:

(a) 10 parts per million in liver and kidney.
(b) 1 part per million in muscle.

Effective date. This order shall be effective on February 2, 1973.


C. D. Van Houwelingen,
Director,
Bureau of Veterinary Medicine.

[FR Doc. 73-2087 Filed 2-5-73; 8:45 am]

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN ANIMAL FEEDS

2. Part 135g is amended by adding the following new section:

§ 135g.82 Pyrantel tartrate.

Tolerances are established for residues of pyrantel tartrate in edible tissues of swine as follows:

(a) 0.001 percent in liver and kidney.
(b) 0.001 percent in muscle.

Effective date. This order shall be effective on February 6, 1973.


C. D. Van Houwelingen,
Director,
Bureau of Veterinary Medicine.

[FR Doc. 73-2087 Filed 2-5-73; 8:45 am]

PART 149b—AMPCILLIN

Ampicillin Chewable Tablets

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, with respect to providing for the certification of 250-milligram ampicillin chewable tablets.

It is concluded that data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(1), 82 Stat. 347; 21 U.S.C. 336b(1)) and under authority delegated to the Commissioner (21 CFR 2.130), Parts 135c, 135g and 135j are amended as follows:

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN ANIMAL FEEDS

3. Part 135g is amended by adding the following new section:

§ 135g.82 Pyrantel tartrate.

Tolerances are established for residues of pyrantel tartrate in edible tissues of swine as follows:

(a) 10 parts per million in liver and kidney.
(b) 1 part per million in muscle.

Effective date. This order shall be effective on February 2, 1973.


C. D. Van Houwelingen,
Director,
Bureau of Veterinary Medicine.

[FR Doc. 73-2087 Filed 2-5-73; 8:45 am]

PART 149b—AMPCILLIN

Ampicillin Chewable Tablets

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, with respect to providing for the certification of 250-milligram ampicillin chewable tablets.

It is concluded that data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(1), 82 Stat. 347; 21 U.S.C. 336b(1)) and under authority delegated to the Commissioner (21 CFR 2.130), Part 149b is amended in § 149b.18 (a)(1) by revising the first sentence as follows:

§ 149b.18 Ampicillin chewable tablets.

(a) * * *

(1) Standards of identity, strength, quality, and purity. Each ampicillin chewable tablet contains 125 or 250 milligrams of ampicillin with suitable binders, lubricants, flavorings, and colorings.

* * *
PART 150g—MINOCYCLINE HYDROCHLORIDE

Minocycline Hydrochloride Capsules

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, with respect to providing for the certification of 50 milligram minocycline hydrochloride capsules.

The Commissioner concludes that the data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 150g.11 Minocycline hydrochloride capsules is amended in paragraph (a)(1) by changing the second sentence to read “Each capsule contains minocycline hydrochloride equivalent to 50 or 100 milligrams of minocycline.”

Since the conditions prerequisite to providing for certification of this drug have been complied with and since the matter is noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisite to this promulgation.

Effective date. This order shall be effective on February 6, 1973.


MARY A. MCENNY,
Assistant to the Director for
Regulatory Affairs, Bureau of
Drugs.

FR Doc.73-3240 Filed 2-5-73;8:45 am]

PART 295—REGULATIONS UNDER THE
POISON PREVENTION PACKAGING ACT
OF 1970

Exemption of Certain Effervescent Aspirin-Containing Preparations From Child Protection Packaging Standards

In the Federal Register of July 18, 1972 (37 FR 14238), the Commissioner of Food and Drugs proposed to exempt certain tableted effervescent aspirin preparations from the regulation (§ 295.2(a)(1)) prescribing child protection packaging standards. The proposal was based on a request for exemption submitted by Miles Laboratories, Inc., and the Commissioner acknowledged that reasonable grounds in support of the exemption were given.

In response to the proposal, two pharmaceutical manufacturers submitted comments requesting that the exemption be broadened to include other effervescent preparations containing aspirin, other than those intended for pediatric use, provided the dry tablet contains less than 10 percent of aspirin, the tablet has an oral LD-50 of greater than 5 grams per kilogram of body weight, and the tablet placed in water releases at least 85 milliliters of carbon dioxide per gram of aspirin in the dry tablet when measured stoichiometrically at standard conditions (0° C. 760 mm. hg.).

Although no comment was received regarding preparations for pediatric use, the Commissioner concludes that the exemption should not apply to them. The amendment has been changed accordingly.

Therefore, having evaluated the comments received and other relevant material, the Commissioner concludes that the proposal, changed as specified above, should be adopted as set forth below.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670-1672; 15 U.S.C. 1471(4), 1473, 1474) and under authority delegated to the Commissioner (21 CFR 2.120), § 295.2(a) is amended by adding a new subdivision (i) to paragraph (1) as follows:

§ 295.2 Substances requiring “special packaging.”
(i) Effervescent tablets containing aspirin, other than those intended for pediatric use, provided the dry tablet contains less than 10 percent of aspirin, the tablet has an oral LD-50 of greater than 5 grams per kilogram of body weight, and the tablet placed in water releases at least 85 milliliters of carbon dioxide per gram of aspirin in the dry tablet when measured stoichiometrically at standard conditions (0° C. 760 mm. hg.).

Effective date. This order shall be effective on February 6, 1973.


SAM D. FINE,
Associate Commissioner
for Compliance.
Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. Entries to the table published on December 27, 1972, at 37 FR 28505, listed certain communities whose eligibility for the sale of flood insurance was being suspended on the date indicated in the entries, on the basis of the communities' failure to adopt required land use and control measures consistent with 24 CFR Part 1910 criteria. The community listed in this entry was so listed, but has submitted, prior to the indicated suspension date for the community, a copy of adopted measures which appear to correct previous disqualifying deficiencies. Therefore, the suspension of eligibility of the community listed in this entry has been withdrawn on the date indicated hereinbelow, and the community's eligibility for the sale of flood insurance has been continued without interruption pending detailed review of submitted documents. The entry reads as follows:

Section 1914.4 Status of participating communities.

<table>
<thead>
<tr>
<th>State</th>
<th>County</th>
<th>Location</th>
<th>Map No.</th>
<th>State map repository</th>
<th>Local map repository</th>
<th>Effective date of authorization of sale of flood insurance for area</th>
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<tbody>
<tr>
<td>Alaska</td>
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<td>* * * *</td>
<td>* * *</td>
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GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-2155 Filed 2-5-73;8:45 am]
### § 1914.4 Status of participating communities

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<th>Map No.</th>
<th>State map repository</th>
<th>Local map repository</th>
<th>Effective date of authorization of sale of flood insurance for area</th>
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</tbody>
</table>


George K. Bernstein, Federal Insurance Administrator.
Title 30—Mineral Resources
CHAPTER 1—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR
SUBCHAPTER O—COAL MINING HEALTH AND SAFETY
PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

Requirements for Deenergization Devices and Automatic Emergency Brakes on Self-Propelled Electric Face Equipment

Background. In accordance with the provisions of section 306 (r) of the Federal Coal Mine Health and Safety Act of 1969, as amended (30 Stat. 779; 30 U.S.C. 866 (r)); and pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Act (30 Stat. 748; 30 U.S.C. 115 (a)), there was published, as proposed rule making, in the Federal Register for June 23, 1972 (37 FR 21641), §75.523–1 through 75.523–3 of Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, setting forth proposed mandatory standards which would: (1) Establish installation and performance requirements for devices that would deenergize self-propelled electric face equipment in the event of an emergency; and, (2) establish installation and performance requirements for automatic emergency brakes on rubber-tired, self-propelled electric face equipment.

Interested persons were afforded a period of 45 days following publication within which to submit to the Director, Bureau of Mines, written comments, suggestions, or objections to these proposed mandatory safety standards, stating the grounds therefore, and to request a public hearing on such objections.

Objections were timely filed with the Director, Bureau of Mines, stating the grounds for objections and requesting a public hearing on proposed §75.523–1 through 75.523–3 of Part 75. In accordance with section 101(f) of the Act, a notice of objections filed and hearing requested was published in the Federal Register for October 13, 1972 (37 FR 6435).

Following this notice, there was published in the Federal Register for October 26, 1972 (37 FR 22883), a notice of public hearing to be held for the purpose of receiving relevant evidence on the following issues:

(1) That all self-propelled electric face equipment acquired for use in a coal mine (except for self-propelled electric face equipment that is equipped with a substantially constructed canopy which meets the requirements of 30 CFR Part 75) be deenergized in the event of an emergency in accordance with the schedule of time specified in proposed 30 CFR 75.523–1;

(2) That all rubber-tired, self-propelled electric face equipment be deenergized in the event of an emergency and by the installation and use of automatic emergency brakes on rubber-tired, self-propelled electric face equipment;

(3) That emergency deenergization devices and automatic emergency brakes be provided in the event of an emergency and to be utilized in the discretion of the author and representative of the Secretary of the Interior;

(4) That emergency deenergization devices and automatic emergency brakes be permitted to be utilized in the event of an emergency and to be utilized in the discretion of the author and representative of the Secretary of the Interior;

(5) That rubber-tired, self-propelled electric face equipment be permitted to have parking brakes separate from the automatic emergency brake; and,

(6) That rubber-tired, self-propelled electric face equipment that is equipped with a substantially constructed canopy will be permitted by means other than interruption of the electrical power source.

The public hearing was held on November 15, 1972 (37 FR 22883), in the Director—Technical Support, Room 4512, Office of the Deputy Director, Health and Safety, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Findings. Section 101(g) of the Act (30 Stat. 747; 30 U.S.C. 115 (g)), provides, in part, that within 60 days after publication of the proposed mandatory safety standards, the Secretary of the Interior shall make findings of fact which shall be public. On the basis of evidence presented at the hearing, it is found that:

Self-propelled electric face equipment is often operated in areas of coal mines where both vertical and horizontal clearances are extremely limited. Operators of such equipment consequently are in constant danger of being pinned, squeezed, or crushed against the coal mine roof, ribs, or other mining equipment. The deenergization of the tramming motors of self-propelled electric face equipment will decrease the risk of an emergency and by the installation and use of automatic emergency brakes on rubber-tired, self-propelled electric face equipment.

Practical technology is available to design and construct devices that will quickly deenergize the tramming motors of self-propelled electric face equipment in the event of an emergency and to be utilized in the discretion of the equipment manufacturer and mine operators.

A substantially constructed canopy installed on self-propelled electric face equipment in accordance with the requirements of 30 CFR 75.523–1 will not provide as effective protection to equipment operators from the hazards of being pinned, squeezed, or crushed against the roof, ribs, or other mining equipment as will be afforded by the installation and use of emergency deenergization devices and automatic emergency brakes.

In addition to the above findings, it is recognized that continuing research and study may lead to the development of other means of precluding the movement of equipment so as to protect equipment operators from being pinned, squeezed, or crushed against the roof, ribs, or other mining equipment. Therefore, an operator will be permitted to apply to the Assistant Director—Technical Support for approval of devices to be used in lieu of the emergency deenergization devices described in the notice of proposed rule making, provided that the Assistant Director—Technical Support is satisfied that the performance thereof will be no less effective than the performance requirements specified in §75.523–2 as set forth below.

It must also be stated that while the automatic emergency brake may also serve as a parking brake for rubber-tired, self-propelled electric face equipment, a separate parking brake system is in no way precluded by the requirements of 30 CFR 75.523–3.

Finally, it has been determined that the requirement of time specified for the installation of deenergization devices and automatic emergency brakes would be the same for new equipment as for equipment already in use. Furthermore, the deenergization and installation of automatic emergency brakes on rubber-tired, self-propelled electric face equipment may be provided in accordance with the requirements of 30 CFR 75.523–1.
§ 75.523—1 Deenergization of self-propelled electric face equipment; installation requirements.
(a) Except as provided in paragraphs (b) and (c) of this section, all self-propelled electric face equipment which is used in the active workings of each underground coal mine on and after March 1, 1973, shall, in accordance with the schedule of time specified in paragraph (a) and (2) of this section, be provided with a device that will quickly deenergize the tramming motors of the equipment in the event of an emergency. The requirements of this paragraph (a) shall be met as follows:
(1) On and after December 31, 1973, for self-propelled cutting machines, shuttle cars, battery-powered machines, and roof drills and bolters;
(2) On and after March 31, 1974, for all other types of self-propelled electric face equipment.

(b) Self-propelled electric face equipment that is equipped with a substantially constructed cab which meets the requirements of this part, shall not be required to be provided with a device that will quickly deenergize the tramming motors of the equipment in the event of an emergency.
(c) An operator may apply to the Assistant Director—Technical Support, Bureau of Mines, Department of the Interior, Washington, D.C. 20240 for approval of the installation of devices to be used in lieu of devices that will quickly deenergize the tramming motors of self-propelled electric face equipment in the event of an emergency. The Assistant Director—Technical Support may approve such devices if he determines that the performance thereof will be no less effective than the performance requirements specified in § 75.523-2.

§ 75.523-2 Deenergization of self-propelled electric face equipment; performance requirements.
(a) Deenergization of the tramming motors of self-propelled electric face equipment, required by paragraph (a) of § 75.523-1, shall be provided by:
(1) Mechanical actuation of an existing pushbutton emergency stopswitch;
(2) Mechanical actuation of an existing lever emergency stopswitch, or
(3) The addition of a separate electro-mechanical switch assembly.
(b) The existing emergency stopswitch or additional switch assembly shall be actuated by a bar or lever which shall extend a sufficient distance in each direction to deenergize all of the tramming motors of self-propelled electric face equipment, from all locations from which the equipment can be operated.
(c) Movement of not more than 2 inches of the actuating bar or lever resulting from the application of not more than 15 pounds of force upon contact with any portion of the equipment operator's body at any point along the length of the actuating bar or lever shall cause deenergization of the tramming motors of the self-propelled electric face equipment.

§ 75.523-3 Rubber-tired, self-propelled electric face equipment; automatic emergency brake; installation and performance requirements.
(a) Except as provided in paragraph (c) of this section, all rubber-tired, self-propelled electric face equipment which is used in the active workings of each underground coal mine on and after March 1, 1973, shall, in accordance with the schedule of time specified in paragraph (a) and (2) of this section, be provided with an automatic emergency brake. The requirements of this paragraph (a) shall be met as follows:
(1) On and after December 31, 1973, for rubber-tired, self-propelled cutting machines, shuttle cars, battery-powered machines, and roof drills and bolters;
(2) On and after March 31, 1974, for all other types of rubber-tired, self-propelled electric face equipment.
(b) The emergency brake required by paragraph (a) of this section shall automatically engage when either:
(1) The device to deenergize the equipment, required by § 75.523-1, is activated; or
(2) The equipment is otherwise deenergized. The automatic emergency brake shall engage immediately; bring the equipment to a complete stop within at least the same distance as the service brakes, and prevent movement of the equipment while engaged.
(c) Rubber-tired, self-propelled electric face equipment with a driving mechanism, in accordance with § 13.20(f) of this chapter, that precludes movement of the equipment when parked, shall not be required to be provided with an automatic emergency brake as is described in paragraph (a) of this section.

Title 32A—National Defense, Appendix
CHAPTER X—OFFICE OF OIL AND GAS, DEPARTMENT OF THE INTERIOR
[Oil Import Reg. I (Revision 5), Amdt. 29]
RULES AND REGULATIONS

for the allocation period beginning January 1, 1973. Sections 10 and 11 provide for distribution of unallocated oil in proportion to allocations computed under the schedule of each of those sections. The proportionate relationship among allocations for the allocation period beginning January 1, 1973, and each of these sections is substantially unchanged. Section 22 has been amended to reflect changes in definitions contained in the amending proclamation of January 17, 1973. The other amendments are of a technical nature and do not represent substantive changes in the regulations.

In view of the limited nature of the changes and the urgency of making the imported oil available, it is deemed unnecessary to give notice of proposed rule making respecting, or to delay the effective date of, the amendments to these sections, and, accordingly, these amendments as set forth below shall be effective on February 6, 1973.


HOLLIS M. DOLLE,
Assistant Secretary of the Interior.


DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

1. Section 5 of Oil Import Regulation 1 (Revision 5) is amended to read in its entirety as follows:

Sec. 5 Applications for allocations and licenses.

(a) Unless otherwise provided in this regulation, applications for allocations of imports of crude oil, unfinished oils, or finished products and for a license or licenses must be filed with the Director, in such form as he may prescribe, not later than 60 calendar days prior to the beginning of the allocation period for which the allocations are required. However, if the 60th day is a Saturday, Sunday, or holiday, the application must be filed on the next succeeding business day. This section does not apply to an application for an allocation pursuant to paragraph (c) of section 15.

(b) Notwithstanding anything to the contrary contained in this regulation, applications for allocations and licenses for the allocation year from January 1, 1973, through December 31, 1973, pursuant to sections 9, 10, and 11 of this regulation shall be filed not later than 7 days after publication of this amendment in the Federal Register.

Sec. 7 [Amended]

2. Paragraph (c) of section 7 of Oil Import Regulation 1 (Revision 5) is rescinded.

3. Paragraph (a) of section 8 of Oil Import Regulation 1 (Revision 5) is amended to read as follows:

Sec. 8 Small quantities.

(a) District Directors of Customs are authorized to permit without a license an entry for consumption of not to exceed 500 U.S. gallons of crude oil, unfinished oils, or finished products which are certified as samples for testing or analysis or which are included in shipments of Machinery or equipment and are certified as intended for use in connection therewith, and baggage entries. Unless otherwise authorized by the contrary, District Directors of Customs are authorized to permit without a license the entry for consumption of bonded fuel aboard an aircraft diverted from an international flight.

4. Paragraphs (a) and (b) of section 9 of Oil Import Regulation 1 (Revision 5) are amended and a new paragraph (f) is added to read as follows:

Sec. 9 Allocations: petrochemical plants; Districts I-IV, District V.

(a) For the allocation period January 1, 1973, through December 31, 1973, each eligible person with a petrochemical plant in Districts I-IV shall receive an allocation of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in these districts during the year ending September 30, 1972, multiplied by 11.3 percent.

(b) For the allocation period January 1, 1973, through December 31, 1973, each eligible person with a petrochemical plant in District V shall receive an allocation of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in this district during the year ending September 30, 1972, multiplied by 11.9 percent.

(f) An allocation made under this section shall supersede any interim or partial allocations made to that person pursuant to section 3A of Presidential Proclamation 3279, as amended, and Amendment 59 (37 FR 184) of this regulation. Licenses issued to a person under such an interim or partial allocation shall be charged against the allocation made to that person under this section.

Sec. 10 Allocations: refiners; Districts I-IV.

(a) For the allocation period January 1, 1973, through December 31, 1973, each eligible applicant shall receive an allocation of imports of crude oil and unfinished oils, or finished products which are certified as samples for testing or analysis or which are included in shipments of Machinery or equipment and are certified as intended for use in connection therewith, and baggage entries. Unless otherwise authorized by the contrary, District Directors of Customs are authorized to permit without a license the entry for consumption of bonded fuel aboard an aircraft diverted from an international flight.

In addition, any imports of crude oil not allocated pursuant to the above schedule shall be allocated to each eligible applicant in the same proportion that each eligible applicant's allocation as determined pursuant to the above schedule bears to the total of imports of crude oil allocated pursuant to the above schedule; however, no person shall receive an allocation in excess of 100 percent of such person's refinery inputs.

(c) Under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 15 percent of the allocation. Within such 15 percent, a maximum quantity of imports not exceeding 1 percent of the total allocation may be imported in the form of finished products, provided that prior written notification is given to the Director of each entry proposed to be made. Finished products imported pursuant to this paragraph may not be exchanged.

(d) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred, and except as this regulation may provide otherwise, no license issued under such an allocation shall permit the importation of Canadian imports as defined in section 1A of Proclamation 3279, as amended.

(e) An allocation made under this section shall supersede any interim or partial allocations made to that person pursuant to section 3A of Presidential Proclamation 3279, as amended, and Amendment 46 (37 FR 184) of this regulation. Licenses issued to a person under such an interim or partial allocation shall be charged against the allocation made to that person under this section.

Sec. 11 Allocations: refiners; District V.

(a) For the allocation period January 1, 1973, through December 31, 1973, the Director shall allocate, as provided in paragraph (d) of this section, approximately 453,000 average barrels daily of imports of crude oil into District V among eligible persons having refinery capacity in that district.

(b) Each eligible applicant shall receive an allocation of imports of crude oil based on refinery inputs for the year ending September 30, 1972, and computed according to the following schedule:

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<th>Average bbl Input</th>
<th>Percent</th>
<th>Number of days</th>
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In addition, any imports of crude oil not allocated pursuant to the above schedule shall be allocated to each eligible applicant in the same proportion that each eligible applicant's allocation as determined pursuant to the schedule bears to the total of imports of crude oil allocated pursuant to the above schedule; however, no person shall receive an allocation in excess of 100 percent of such person's refinery inputs.
CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

PART 127—SECURITY ZONES

Hampton Roads, Elizabeth River, Norfolk, Va.

This amendment to the Coast Guard’s Security Zone Regulations establishes the waters of the Elizabeth River and Hampton Roads between the Norfolk and Portsmouth beltline railroad bridge on the southern branch of the Elizabeth River and Elizabeth River Channel Lighted Horn Buoy 1 LL 2933 as a security zone. This security zone is established to prevent interference with the sailing of the U.S.S. Independence from the Norfolk Naval Shipyard, Portsmouth, Va., to sea and return.

This amendment is issued without publication of a notice of proposed rule making; and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a military function of the United States.

Effective date. This amendment is effective from 1000R to 1200R, February 6, 1973, and from 1000R to 1200R, February 9, 1973.

H. E. Steel,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads Area.

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

[F 14 CFR Part 65 ]
[Docket No. 12537; Notice No. 73-4]

INSPECTION AUTHORIZATION

Eligibility and Operational Requirements, and Geographical Limitation

The Federal Aviation Administration is considering amending Part 65 of the Federal Aviation Regulations to: (1) Clarify the eligibility requirements of an inspection authorization; (2) require that each holder of an inspection authorization must hold a currently effective mechanic certificate with both an airframe and a powerplant rating whenever he exercises the privileges of an inspection authorization; (3) require each holder to keep a record of each inspection performed by him; (4) limit the area where the holder may exercise the privileges of the authorization to the area under the jurisdiction of the local FAA District Office in which the holder's fixed base of operation is located, unless he is otherwise authorized by that Office and the Office for the area in which he proposes to perform an inspection; and (5) require each holder who changes the location of, or terminates the inspection authorization activity at, his fixed base of operation, to surrender his authorization to the local FAA District Office, with the privilege of obtaining a new base established before the first day of April following the termination.

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: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, ACC-24, 806 Independence Avenue SW., Washington, DC 20591. All communications received on or before May 7, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 65.91(c)(1) provides that to be eligible for an inspection authorization an applicant must be a certificated mechanic who has held both an airframe and a powerplant rating for at least 3 years and be actively engaged in the maintenance of aircraft certified and maintained in accordance with this part. Although reports at one time were required by § 65.93(a) to keep, and make available for inspection by the Administrator, a record of the number of alterations, repairs, annual inspections, or progressive inspections performed by him, this requirement has been discontinued because it is considered to be burdensome for holders of inspection authorizations as most of them already maintain this information. At the present time Part 65 prescribes no geographical limitation, in the United States or elsewhere.
States or elsewhere, as to where the holder has an inspection authorization may exercise the privileges of that authorization. He may travel far from his fixed base of operation to perform those privileges, either taking the necessary equipment and inspection data with him, or utilizing those provided at the place of inspection that in turn may be either at or away from the base of operations of the aircraft.

A local PAA District Office supervises the inspection activities of, and exercises administrative control over, holders of inspection authorizations within its jurisdiction. This supervision and administrative control becomes substantially ineffective at locations not within the jurisdiction of that office. It is therefore proposed to strike out present paragraph (c) and insert new paragraph (c) in § 65.93 limiting the area in which the holder of an inspection authorization may exercise the privileges of the authorization to the area under the jurisdiction of the local PAA District Office in which his fixed base of operation is located. This geographical limitation would insure better administrative control of the holders of inspection authorizations, with inspections being an unbroken chain upon any person. An exception to this limitation would be allowed when the holder has been authorized by both his local office and the PAA District Office for the area in which he proposes to perform an inspection under the privileges of his authorization.

Paragraph (c) of § 65.95 provides that if the holder of an inspection authorization changes his fixed base of operation he may not exercise the privileges of the authorization until he has notified the PAA General Aviation District Office or International Field Office for the area in which the new base is located. However, the holder is not now required to notify the local PAA District Office having jurisdiction over the area in which he has terminated operations. Normally, inspectors from the local PAA District Office visit holders of inspection authorizations within their district several times each year. However, until he applies for annual renewal of his authorization there may be a period of months when an office does not have contact with a holder. Thus, a holder may relinquish his fixed base of operation and relocates, a statement showing—

1. The registration number of the aircraft;
2. The make and model of the aircraft;
3. The name and address of the registered owner of the aircraft;
4. The kind of inspection performed on the aircraft;
5. The date and place of performance of the inspection;
6. Whether return to service of the aircraft was approved or disapproved.

Each holder of an inspection authorization shall keep the record required by paragraph (a) of this section for at least 2 years after the inspection was made.

§ 65.94 Inspection authorization: Performance records.
(a) Each holder of an inspection authorization shall keep and make available for inspection by the Administrator a current record of inspections performed by him under § 65.95(a). The record must contain, with respect to each aircraft on which an inspection was performed, a statement showing:
1. The registration number of the aircraft;
2. The make and model of the aircraft;
3. The name and address of the registered owner of the aircraft;
4. The kind of inspection performed on the aircraft;
5. The date and place of performance of the inspection;
6. Whether return to service of the aircraft was approved or disapproved.

§ 65.95 Inspection authorization: Privileges and limitations.
(a) The holder of an inspection authorization may not exercise the privileges of that authorization outside of the area of jurisdiction of the local PAA District Office in which his fixed base of operation is located, except when authorized by that office and the office for the area in which he proposes to perform an inspection.
(b) If the holder of an inspection authorization changes the location of, or terminates inspection activity at, his fixed base of operation, he shall surrender his authorization to the local PAA District Office. If he desires to exercise the privileges of an inspection authorization at a new base established before the first day of April following the termination, he may apply in writing to the Administrator before that date to the local PAA District Office having jurisdiction over the area in which the new base is located and obtain reinstatement of the authorization if he meets paragraphs (c) (1) through (4) of § 65.91.

These amendments are proposed under sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C.)
U.S.C. 1655(c)).

Department of Transportation Act (49

3412


UPHILL PERFORMANCE OF COMMERCIAL

Motor Vehicles

Notice of Termination of Proposed Rule Making

The purpose of this notice is to announce that the Director of the Bureau of Motor Carrier Safety is closing Docket No. MC-10 without further notice to comment. The Bureau did not now intend to institute additional rule making proceedings on the subject of uphill performance of commercial motor vehicles operated in interstate or foreign commerce.

On January 17, 1969, the Federal Highway Administrator issued an advance notice of proposed rule making, inviting interested persons to comment on uphill performance requirements for commercial motor vehicles (34 FR 1057). Upon review of the comments received in response to that invitation, and after consultation with the National Highway Traffic Safety Administration, the Bureau has determined that the most practical way to combat whatever dangers the inability of commercial vehicles to maintain speed on ascending grades may present is through performance standards applicable to newly manufactured commercial motor vehicles. In the absence of a new-vehicle standard, it would clearly be inappropriate to issue a regulation applicable to vehicles in use while operating under the Bureau's jurisdiction.

The Bureau will, of course, continue to cooperate with NHTSA on the subject of uphill performance. If a Motor Vehicle Safety Standard is issued, the Bureau will take the necessary action to assure that such vehicles are not modified or operated so as to defeat the purpose of the standard.

If rule making proceedings on the subject of uphill performance are again contemplated, another notice to that effect will be issued. However, the present proceeding, Docket No. MC-10, is closed.

This notice is issued under the authority of section 206 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.


ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.73-2170 Filed 2-5-73; 8:45 am]

FEDERAL MARITIME COMMISSION
[46 CFR Parts 531, 536]

[Docket No. 78-4]

NONVESSEL OPERATING COMMON CARRIERS OF USED HOUSEHOLD GOODS

Exemption From Federal Maritime Commission Tariff Filing Requirements

Notice is hereby given that the Federal Maritime Commission is proposing to exempt from the tariff filing requirements of section 2, Interstate Commerce Act, as amended, 49 U.S.C. 1933, and sections 18(a) and (b)(1) of the Shipping Act, 1916, nonvessel operating common carriers by water engaged exclusively in providing transportation for used household goods and personal effects when there is also a domestic movement within the United States provided that the carriers submit an initial report and then this biennial semiannual report with this Commission.

Nonvessel operating common carriers by water are subject to regulation by the Federal Maritime Commission (FMC). Section 18 of the Shipping Act (46 U.S.C. 807) empowers the FMC to exempt or be detrimental to commerce. The Commission be unjustly discriminatory or be detrimental to commerce. The Commission is also authorized to attach conditions to any such exemption. The involved transportation appears to fall within the category of operations which would not be detrimental to other commerce by its exclusion from the FMC’s tariff filing requirements; provided that the carriers seeking to qualify for the exemption files a report of his activities upon a regular basis.

Therefore, pursuant to the provisions of section 4, Administrative Procedures Act (5 U.S.C. 553); Public Law 89-778 (46 U.S.C. 833(a)); section 2, Interstate Commerce Act, 1933 (46 U.S.C. 844); section 18(a), 18(b), 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 818, 820, and 841) of the Civil Works Act of 1946, the Commission proposes to amend Parts 531 and 536 of Title 46 Code of Federal Regulations to provide an exemption from the tariff filing requirements of the specified sections of the shipping acts and of Parts 531 and 536 of the Code of Regulations.

The proposed exemption will apply to non-vessel operating common carriers by water when engaged exclusively in the transportation of used household goods and personal effects when such transportation involves an intermodal movement which includes a segment either regulated or specifically exempted from such regulation under Part II of the Interstate Commerce Act (2) or the coastwise Shipping Act, 1933 (46 U.S.C. 817, 818, 820, and 841); the Commission proposes to amend Parts 531 and 536 of Title 46 Code of Federal Regulations to provide an exemption from the commission tariff filing requirements of the specified sections of the shipping acts and of Parts 531 and 536 of the Code of Regulations.

The proposed exemption will apply to

FEDERAL REGISTER, VOL. 38, NO. 24—TUESDAY, FEBRUARY 6, 1973

Therefore, pursuant to the provisions of section 4, Administrative Procedures Act (5 U.S.C. 553); Public Law 89-778 (46 U.S.C. 833(a)); section 2, Interstate Commerce Act, 1933 (46 U.S.C. 844); section 18(a), 18(b), 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 818, 820, and 841) of the Civil Works Act of 1946, the Commission proposes to amend Parts 531 and 536 of Title 46 Code of Federal Regulations to provide an exemption from the tariff filing requirements of the specified sections of the shipping acts and of Parts 531 and 536 of the Code of Regulations.

The proposed exemption will apply to non-vessel operating common carriers by water when engaged exclusively in the transportation of used household goods and personal effects when such transportation involves an intermodal movement which includes a segment either regulated or specifically exempted from such regulation under Part II of the Interstate Commerce Act (2) or the coastwise Shipping Act, 1933 (46 U.S.C. 817, 818, 820, and 841); the Commission proposes to amend Parts 531 and 536 of Title 46 Code of Federal Regulations to provide an exemption from the commission tariff filing requirements of the specified sections of the shipping acts and of Parts 531 and 536 of the Code of Regulations.

The proposed exemption will apply to non-vessel operating common carriers by water when engaged exclusively in the transportation of used household goods and personal effects when such transportation involves an intermodal movement which includes a segment either regulated or specifically exempted from such regulation under Part II of the Interstate Commerce Act (2) or the coastwise Shipping Act, 1933 (46 U.S.C. 817, 818, 820, and 841); the Commission proposes to amend Parts 531 and 536 of Title 46 Code of Federal Regulations to provide an exemption from the commission tariff filing requirements of the specified sections of the shipping acts and of Parts 531 and 536 of the Code of Regulations.

The proposed exemption will apply to non-vessel operating common carriers by water when engaged exclusively in the transportation of used household goods and personal effects when such transportation involves an intermodal movement which includes a segment either regulated or specifically exempted from such regulation under Part II of the Interstate Commerce Act (2) or the coastwise Shipping Act, 1933 (46 U.S.C. 817, 818, 820, and 841); the Commission proposes to amend Parts 531 and 536 of Title 46 Code of Federal Regulations to provide an exemption from the commission tariff filing requirements of the specified sections of the shipping acts and of Parts 531 and 536 of the Code of Regulations.

The proposed exemption will apply to non-vessel operating common carriers by water when engaged exclusively in the transportation of used household goods and personal effects when such transportation involves an intermodal movement which includes a segment either regulated or specifically exempted from such regulation under Part II of the Interstate Commerce Act (2) or the coastwise Shipping Act, 1933 (46 U.S.C. 817, 818, 820, and 841); the Commission proposes to amend Parts 531 and 536 of Title 46 Code of Federal Regulations to provide an exemption from the commission tariff filing requirements of the specified sections of the shipping acts and of Parts 531 and 536 of the Code of Regulations.
PROPOSED RULE MAKING

This proceeding is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By order of the Federal Maritime Commission.

[Seal]

FRANCIS C. HURNEY, Secretary.

ANNEX A
FEDERAL MARITIME COMMISSION,
BUREAU OF COMPLIANCE,
WASHINGTON, D.C. 20573.

Date:____________________

SEMIANNUAL REPORT OF NONVEssel OPERATING
COMMON CARRIERS ENGAGED IN INTERMEDIATE
TRANSPORTATION OF HOUSEHOLD GOODS AND
PERSONAL EFFECTS

For the period: From: ______________19__ to: ______________19__

1. Your legal business name and the English equivalent if written in language other than English.
2. Form of organization, i.e., individual, partnership, corporation or other (explain).
3. State or jurisdiction and date of incorporation or registry.
4. Names, residence, citizenship, title of all corporate officers, partnership members, individual proprietors, or other principals.
5. Name, address, business and relationship of any person controlling, controlled by or under common control with the reporting carrier.
6. Address of principal United States office.
7. A full description of the geographical areas served.
8. Type of operation within the United States: Motor carrier or freight forwarder.
9. Ocean carriers utilized during the period covered by this report.
10. (a) Number of individual shipments handled in foreign commerce. (b) Number of individual shipments handled in domestic offshore commerce.
11. Number of complaints or claims regarding rates or service received during the period covered by this report. (Attach copies of each complaint, together with the actions taken to settle such complaint or claim.)
12. Number of complaints or claims settled during the period of this report. (Attach a list identifying the complaint or claim, together with a report of actions taken including the amount claimed and amount of settlement and the reasons therefor.)
13. Certify that the statements contained herein are true and correct to the best of my knowledge and belief, and that the attachments hereto represent all complaints and claims regarding rates or service and a complete record as to the disposition thereof for the period covered by this report.

By: ________________________________
(Signature of proprietor, partner or corporate officer and title)

[FR Doc.73-2291 Filed 2-5-73; 8:45 am]

RENEGOTIATION BOARD
[32 CFR Part 1460]
PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

Contributions to the Defense Effort

In FR Doc. 73-1356 appearing at page 2219 of the issue for Tuesday, January 23, 1973, the first paragraph should read as follows:

The Renegotiation Board pursuant to section 109 of the Renegotiation Act of 1951, as amended (50 U.S.C.A., App. 1211 et seq.), proposes to issue the following regulations not less than thirty (30) days after the date of this publication in the Federal Register.

SMALL BUSINESS ADMINISTRATION
[13 CFR Part 121]
SMALL BUSINESS SIZE STANDARDS

Definition for Purpose of Financial Assistance to Certain Agriculture-Related Businesses

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the definition of small business for the purpose of SBA financial assistance to certain agriculture-related businesses.

On August 6, 1972, there was published in the Federal Register (37 FR 15981) an amendment to Part 121 of Chapter I of Title 13 of the Code of Federal Regulations to provide a $250,000 annual receipts size standard for SBA loans to certain agriculture-related businesses. Subsequent to the publication of the amendment, it was brought to the Agency's attention that several other agriculture-related activities are eligible for financial assistance, provided that firms primarily engaged in these activities have been formally declined financial assistance in writing from the United States Department of Agriculture, or an agricultural credit service supervised by the Farm Credit Administration.

Therefore, it is proposed to also adopt a $250,000 annual receipts size standard for these activities for the purpose of SBA loans. Accordingly, it is proposed to revise § 121.3-10(a) of the regulation to read as follows:

§ 12.3-10 Definition of small business for SBA loans.

(1) Agriculture production (crops), fish farms and fish hatcheries. Any concern primarily engaged (1) in an industry set forth in Major Group 01-Agriculture Production-Crops, (2) in the Standard Industrial Classification Manual, (3) in the operation of a fish farm (part of Standard Industrial Classification Industry No. 0379, Animal Specialties, Not Elsewhere Classified), (3) in the operation of a fish hatchery (part of Standard Industrial Classification Industry No. 0921, Fish Hatcheries and Preserves), (4) in the propagation of fur-bearing animals (part of Standard Industrial Classification Industry No. 0271, Fur-Bearing Animals and Rabbits), (5) in the planting of oysters (part of Standard Industrial Classification Industry No. 0913, Shellfish), or (6) in the operation of hatcheries for chicks and poults (Standard Industrial Classification Industry No. 2254, Poultry Hatcheries), where such hatchery operators produce more than 50 percent of their eggs, or where more than 50 percent of the chicks or poults hatched are retained by the operator for the production of broilers or turkey production crowd, is classified as small if its annual receipts do not exceed $250,000.

Interested persons may file with the Small Business Administration on or before February 21, 1973, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:
WILLIAM L. PELLINGTON, OFFICE OF INDUSTRY STUDIES, AND SIZE STANDARDS, SMALL BUSINESS ADMINISTRATION, 1441 L STREET NW, WASHINGTON, DC 20410.


THOMAS S. KLEFFE, Administrator.

[FR Doc.73-2211 Filed 2-5-73; 8:45 am]
DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c)(1) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, retransfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

The following persons have been granted relief under 18 U.S.C. 925(c)(1):

- Acker, Alfred J., 1585 Victor Avenue, Redding, Calif., convicted on April 9, 1962, in superior court, County of Siskiyou, Calif.
- Ashley, Steven Charles, 3714 Jennewin Road, Midland, Mich., convicted on November 21, 1969 in the county court of Columbia County, Wis.
- Biering, David L., Rural Route No. 1, Cassville, Wis., convicted on February 3, 1971 in Grant County Court, Lancaster, Wis.
- Brummett, Clarence L., Rural Route No. 3, Box 196, Martinsville, Ind., convicted on June 18, 1963, in the Johnson County Circuit Court, Indiana.
- Carpenter, David A., 1404 Fifth Avenue, Antigo, Wis., convicted on or about December 13, 1962, in Lincoln County Court, Merrill, Wis.
- Clark, Herman N., Rural Delivery No. 4, Cambridge, Ohio, convicted on August 14, 1970, by the common pleas court, Guernsey County, Ohio.
- Delock, Herbert D., 7213 Ridgemont Drive, Urbandale, Iowa, convicted on May 25, 1971, in the U.S.D.C., S.D. Iowa, central division.
- Fitti, Julius Fredrick, 11300 Grandmont Avenue, Detroit, Mich., convicted on September 5, 1961, in the U.S. District Court for the Southern District of California, central division.
- Gerasia, Rosario J., Mashodack Road, Rural Free Delivery No. 2, Nassau, N.Y., convicted on June 3, 1943, by the Albany County Court, Albany, N.Y.
- Harris, George Henry, Rural Route No. 2, Desoto, Mo., convicted on June 24 and July 26, 1963, in the Fifth Judicial Circuit Court of Illinois, Edgar County, III.
- Herron, James, 5013 East Outer Drive, apartment 309B, Detroit, Mich., convicted on January 20, 1942, in the circuit court of Vanderburgh County, Ind.
- Kuchi, James Arthur, 2516 25th Street, Bay City, Mich., convicted on May 19, 1964, in Bay County Court, Mich.
- Kowal, Jerry Lee, Sr., 312 North Oklahoma, Okmulgee, Okla., convicted on April 29, 1966, in the superior court of Okmulgee County.
- Nutting, Harold, 1080 Iowa Street, Costa Mesa, Calif., convicted on January 26, 1958, in the Justice court, Santa Rosa Judicial District, Sonoma County, Calif., and on about April 22, 1957, in the Superior Court of the State of California in and for the County of Los Angeles.
- Owen, Herschell A., 6401 West Tennessee Street, Tallahassee, Fla., convicted on September 11, 1950, in the superior court, Grady County, Ga., and on February 19, 1969, in the U.S. District Court, Northern District, Florida.
- Stevens, John L., 100 Cherry Street, South Boston, Va., convicted on February 11, 1964, in U.S. District Court for Western District of Virginia, Danville Division.
- Wadkins, Chris Alan, 5151 North 31st Street, Milwaukee, Wis., convicted on July 7, 1971, in circuit court, criminal division, Milwaukee County, Milwaukee, Wis.
- Zachow, Ronald Lee, 3912 West Townley Street, Phoenix, Ariz., convicted on April 12, 1963, in the Circuit Court for the State of Oregon for the County of Umatilla.


[SEAL]

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms

DEPARTMENT OF THE INTERIOR

National Park Service

GRAND CANYON NATIONAL PARK, ARIZ.

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on March 8, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Emery C. Kolb authorizing him to operate a motion picture, lecture, and photographic studio for the public on the south rim of Grand Canyon National Park, Ariz., for a period of one (1) year from January 1, 1973, through December 31, 1973.

The foregoing concessioner has performed his obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. In addition, he has a lifetime right to still possession of the property used in the operation. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 8, 1973.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20340, for information as to the requirements of the proposed contract.


LAWRENCE C. HADLEY,
Assistant Director, National Park Service

[FR Doc. 73-2189 Filed 2-5-73; 8:45 am]

DIOSAUR NATIONAL MONUMENT

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on March 8, 1973, the Department of the Interior, through the Superintendent, Dinosaur National Monument, proposes to issue a concession permit to Wilkins Transportation, Inc., authorizing it to provide concession services for the public at Dinosaur National Monument for a period of 1 year from January 1, 1973, through December 31, 1973.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service, and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 8, 1973.

FEDERAL REGISTER, VOL. 38, NO. 14—TUESDAY, FEBRUARY 6, 1973
Ray F. Davis

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

1. No change.
2. No change.
3. No change.
4. No change.

This statement is made as of December 31, 1972.


Ray F. Davis.

B. M. Guthrie

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

1. No change.
2. No change.
3. No change.
4. No change.

This statement is made as of January 10, 1973.


B. M. Guthrie.

Bill C. Hulsey

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

1. No change.
2. No change.
3. No change.
4. No change.

This statement is made as of January 10, 1973.


Bill C. Hulsey.

Andrew P. Jones

Statement of Changes in Financial Interests

In accordance with the requirements of section 716(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

1. No change.
2. No change.
3. No change.
4. No change.

This statement is made as of January 11, 1973.


Andrew P. Jones.

Carlos O. Love

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

1. No change.
2. No change.
3. No change.
4. No change.

This statement is made as of January 1, 1973.


Carlos O. Love.

John Madgett

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

1. No change.
2. No change.
3. No change.
4. No change.

This statement is made as of January 1, 1973.


John Madgett.

Robert J. Marchetti

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

1. No change.
2. No change.
3. No change.
4. No change.

This statement is made as of January 11, 1973.


Robert J. Marchetti.
SALT RIVER PIMA-MARICOPA INDIAN RESERVATION, ARIZ.

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

In accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Management and Budget by Secretarial Order No. 2950, and in accordance with the Act of August 13, 1963, Public Law 88-129, 78 Stat. 146, and in accordance with the Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants, adopted on September 27, 1972, by the Salt River Pima-Maricopa Indian Community, which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

1. It shall be legal and permissible from this date henceforth to possess, transport, and/or consume intoxicating liquors, beer, wine, and other malt or alcoholic beverages within the exterior boundaries of the Salt River Pima-Maricopa Indian Reservation, subject to such laws and regulations as may be provided by ordinances of the Salt River Pima-Maricopa Indian Community Council and the laws of the State of Arizona.

2. It shall be unlawful for any person to sell, manufacture or to engage in the liquor business within the exterior boundaries of the Salt River Reservation.

3. The laws of the State of Arizona and the regulations of the Arizona Liquor Control Board in regard to possession, transporting and/or consuming alcoholic beverages within the State of Arizona are hereby adopted and made applicable to the territory within the exterior boundaries of the Salt River Reservation.

4. The Salt River Pima-Maricopa Community Council may adopt such ordinances as the State of Arizona or the regulations of the Arizona Liquor Control Board in regard to possession, transporting and/or consuming alcoholic beverages within the State of Arizona are hereby adopted and made applicable to the territory within the exterior boundaries of the Salt River Reservation.

5. It shall be unlawful for any person within the exterior boundaries of the Salt River Reservation to offer, give or otherwise distribute any beer, wine, liquor or alcoholic beverage to any intoxicated person, to any person at a time or under circumstances not permitted under the law of the State of Arizona or the regulations of the Arizona Liquor Control Board.

6. Section 6.43 of the Revised Law and Order Code of the Salt River Pima-Maricopa Indian Community is hereby repealed.

7. There shall be inserted in the Revised Law and Order Code of the Salt River Pima-Maricopa Indian Community a new Section 6.43 which shall read as follows:

"Any Person who shall knowingly and wilfully violate any provision of the Salt River Pima-Maricopa Indian Community Liquor Ordinances shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to imprisonment for a period not to exceed six months or a fine not to exceed $500.00 or both such imprisonment and fine, with costs."

FRED M. TREFFINGER
Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 10, 1973.


FRED M. TREFFINGER

C. N. WHITMIRE
Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1973.


C. N. WHITMIRE

WILLARD B. SIMONDS
Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1972.


WILLARD B. SIMONDS

RUGS SHEPPERD
Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1973.


RUGS SHEPPERD

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

PEANUTS

Final Date of Availability of Price Support Advances in the Southwest Area

Notice is hereby given that, pursuant to the provisions of §1446.4(d) of the general regulations governing 1967 and Subsequent Crop Peanut Warehouse Storage Loan and Shelter Purchases, 23 W.R. 123, eligible producers in the Southwest area may obtain price support advances on eligible 1972-crop peanuts through the Southwestern Peanut Growers' Association through February 28, 1973.


KENNETH E. PRICK, Executive Vice President, Commodity Credit Corporation.

DEPARTMENT OF THE INTERIOR

Salt Conservation Service

PAINT CREEK WATERSHED PROJECT, OKLAHOMA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Paint Creek Watershed Project, Harper County, Okla., USDA-SCS-E8-W3-(ADM)-73-42(D).

The environmental statement concerns a plan for watershed protection and flood prevention. The plans worked improvements include conservation land treatment, supplemented by one floodwater-retarding structure and 1.1 miles of waterway.

This draft environmental statement was transmitted to CEQ on January 16, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 117, 14th and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, 902 Building, Farm Road and Brumley Street, Stillwater, Okla. 74074.
Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161. Please use name and number of statement above when ordering. The estimated cost is $3.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Hampton Bums, State Conservationist, Soil Conservation Service, USDA-SCS-ES, 239 Wisconsin Avenue SW., Huron, SD 57350.

Comments must be received on or before March 19, 1973, in order to be considered in the preparation of the final environmental statement.

WILLIAM B. DAVIEY
Deputy Administrator for Watersheds, Soil Conservation Service


[FR Doc.73-2278 Filed 2-5-73; 8:45 am]

DEPARTMENT OF COMMERCE
Maritime Administration

[Supplement No.1]

U.S.S.R.-FLAG VESSELS ARRIVING AT CUBAN AND NORTH VIETNAM PORTS

Supplement to List

The Maritime Administration is making available a supplement to the "List of U.S.S.R.-Flag Vessels Arriving at Cuban and North Vietnam Ports", as published in the Federal Register (37 FR 28083) to all interested parties, in keeping with the provisions of a memorandum on U.S. port procedures and other matters (referred to in a letter dated October 14, 1972, from the Secretary of Commerce to the Minister of Merchant Marine of the Union of Soviet Socialist Republics, in connection with the Agreement signed that same date between the Government of the United States and the Government of the Union of Soviet Socialist Republics concerning certain maritime matters). This supplement includes new vessels arriving in Cuban ports through October 1972, certain additional vessels not previously included and some new name translation of vessels previously included.

Supplement No. 1 to the "List of U.S.S.R.-Flag Vessels Arriving at Cuban and North Vietnam Ports" during the periods specified by types of vessels: (1) Freighters, (2) tankers, (3) refrigerated, (4) bulk carrier, (5) combination passenger and cargo, (6) ore carrier, (7) LPG tankers, (8) colliers and (9) timber carriers.

NOTICES
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Food and Drug Administration

Sodium Fluoride, Ascorbic Acid, and Ergocalciferol Lozenge: Notice of Withdrawals of Approval of New Drug Application

On November 15, 1972, there was published in the Federal Register (37 FR 24203) a notice of opportunity for hearing (DES 5743) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug application for the following drug:

NDA 5-743: Enzilfluor Lozenges containing sodium fluoride, ascorbic acid, and ergocalciferol, previously marketed by Ayerst Laboratories, 565 Third Avenue, New York, NY 10017.

All identical, related, or similar products, not the subject of an approved new drug application reviewed and approved by the new drug application reviewed and approved are subject to this notice. See 21 CFR 310.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5000 Fishers Lane, Rockville, Md. 20852.


5. Metadren tablets, containing triethanolamine hydrochloride and reserpine; Lake- side Laboratories, Inc., 1707 East North Avenue, Milwaukee, WI 53201 (NDA 12-372).

6. Oreticyl tablets, containing trimethylolethadiol and reserpine; Schering Corp., 50 Orange Street, Bloomfield, NJ 07003 (NDA 12-256).

7. Enduron tablets containing methyldopa, methylolethadiol, and reserpine; Abbott Laboratories (NDA 12-775).

8. Serpasil-Isidrix tablets, containing hydrochlorothiazide and reserpine; Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Avenue, Summit, NJ 07901 (NDA 11-588).


10. Oreticyl tablets, containing hydrochlorothiazide and reserpine; Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 12-149).

11. Endurone tablets containing methyldopa, methylolethadiol, and reserpine; Abbott Laboratories (NDA 12-775).

12. Serpasil-Isidrix tablets containing hydrochlorothiazide and hydrochlorothiazide; Ciba Pharmaceutical Co. (NDA 12-206).

13. Serpasil-Es tablets containing hydrochlorothiazide and hydrochlorothiazide; Ciba Pharmaceutical Co. (NDA 12-193).

In addition, the following drug, although approved in 1961 on the basis of safety, was not submitted to the Academy for review. It has been reviewed for effectiveness by the Food and Drug Administration and is covered by this notice.

II. Aldactazide tablets containing spironolactone and hydrochlorothiazide; G. D. Searle & Co., Post Office Box 5110, Chicago, IL 60680 (NDA 12-616).

All identical, related, or similar products, not the subject of an approved new drug application, are henceforth unlawful.


SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 73-2343 Filed 2-5-73; 8:45 am]

CERTAIN ANTIHYPTERTENSIVE COMBINATION DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Diureps-250 and Diureps-300 tablets, each containing chlorothiazide and reserpine; Merck & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486 (NDA 11-635).


3. Arquival tablets, containing trimethylolethadiol and reserpine; Schering Corp., 50 Orange Street, Bloomfield, NJ 07003 (NDA 12-365).

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new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 136.40 (37 FR 23185, October 31, 1972). Any person who desires to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (OD-300), 5600 Fishers Lane, Rockville, Md. 20852.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling of the Food and Drug Administration to reflect the approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. The combination containing spironolactone and hydrochlorothiazide is effective for treatment of hypertension, edema of congestive heart failure, cirrhosis of the liver, the nephrotic syndrome, and idiopathic edema. Spironolactone is helpful in correcting hypokalemia produced by thiazide diuretics. The components of the combination may be useful in correcting hypokalemia produced by thiazide diuretics. The components of the combination may be used in the nephrotic syndrome, and idiopathic edema. Spironolactone and hydrochlorothiazide is effective for treatment of hypertension, edema of congestive heart failure, cirrhosis of the liver, the nephrotic syndrome, and idiopathic edema. Spironolactone is helpful in correcting hypokalemia produced by thiazide diuretics.

2. All of the above combinations are effective for treatment of hypertension.

3. All of the above drugs lack substantial evidence of effectiveness for all indications other than the indications stated in the previous paragraphs.

B. Conditions for approval and marketing. When marketing authorization is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described in the previous paragraphs.

1. Form of drug. These preparations are in tablet form suitable for oral administration.


b. The drugs are labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information with respect to the use of the drugs. The "Indications" for use of the drugs are as follows:

Indications for the combination containing spironolactone and hydrochlorothiazide: Hypertension, edema of congestive heart failure, cirrhosis of the liver, the nephrotic syndrome, and idiopathic edema. Spironolactone may be used in the treatment of hypertension and/or may be useful in correcting hypokalemia produced by thiazide diuretics. The components of the combination should be titrated individually (see box warning).

The labeling should contain the following warning in a box and dosage statement.

Warning

This fixed combination drug is not indicated for initial therapy of edema or hypertension. Edema or hypertension requires therapy titrated to the individual patient. If the fixed combination does not meet the documentation so determined, its use may be more convenient in patient management. The treatment of hypertension and edema is not static, but must be reevaluated as conditions in each patient warrant.

Dosage: As determined by individual titration (see box warning).

Indications for all other of the combinations listed above: Hypertension (see box warning).

The labeling should contain the following warning in a box and dosage statement.

Warning

This fixed combination drug is not indicated for initial therapy of hypertension. Hypertension requires therapy titrated to the individual patient. If the fixed combination represents the dosage so determined, its use may be more convenient in patient management. The treatment of hypertension is not static, but must be reevaluated as conditions in each patient warrant.

Dosage: As determined by individual titration (see box warning).

C. Notice of opportunity for a hearing. Notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner of Food and Drugs has determined, its use may be more convenient in patient management. The treatment of hypertension is not static, but must be reevaluated as conditions in each patient warrant.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner will rescind this notice of opportunity for a hearing, and any other interested person may file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-38, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance requesting a hearing. A hearing may be requested by an applicant (s) or any other interested person an opportunity for a hearing to show why approval of a new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing.

In accordance with the provisions of section 585 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of a new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing.

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claim(s) involved, the Commissioner will rescind this notice of opportunity for a hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person
in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial request for a hearing was made. The issues are defined, a hearing examiner will be appointed, a thiazide in hypertension will derive from its potassium sparing effect. Either its main diuretic effect or potassium sparing effect when used with a thiazide should be determined by individual titration. (See box warning.)

The labeling should contain the following warning in a box and dosage statement.

**Warning**

This fixed combination drug is not indicated for initial therapy of hypertension. Edema may develop as a result of therapy, but must be reevaluated as conditions in each patient warrant.

**Dosage:** As determined by individual titration (See box warning.)

For all of the other drugs, the labeling should be consistent with the following:

**Indication**

Hypertension (See box warning.)

The labeling should contain the following warning in a box and dosage statement.

**Warning**

This fixed combination drug is not indicated for initial therapy of hypertension. Edema requires therapy titrated to the individual patient. If the fixed combination represents the dosage as determined, its use may be more convenient in patient management. The treatment of hypertension and edema is not static, but must be reevaluated as conditions in each patient warrant.

**Dosage:** As determined by individual titration (See box warning.)

**Notice of Withdrawal of Approval of New Animal Drug Application**

Received requests for a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours from 9:00 A.M. to 5:00 P.M. on weekdays.


**SAM D. FINE,** Associate Commissioner for Compliance.

[FPR Doc.73-2244 Filed 2-5-73:8:45 am]

**DOCKET NO. FDC-D-845; NADA 11-346V**

**FORD DODGE LABORATORIES, INC.**

Dicytide; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of December 12, 1972 (37 FR 26494), the Commissioner of Food and Drugs published a notice proposing to withdraw approval of new animal drug application (NADA) No. 11-346V for Dicytide; marketed by Ford Dodge Laboratories, Fort Dodge, Iowa 50501.

Neither the above-named firm nor any other interested persons have filed a written appearance to the above-noted notice. This is construed as an election by said firm not to avail themselves of the opportunity for a hearing.

Therefore, based on the grounds set forth in said notice of opportunity for a hearing, the Commissioner concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 352(b) and under authority delegated to the Commissioner by 5 CFR 1.130), approval of NADA No. 11-346V, including all amendments and supplements thereto, is hereby withdrawn effective on February 6, 1973.


**SAM D. FINE,** Associate Commissioner for Compliance.

[FPR Doc.73-2277 Filed 2-5-73:8:45 am]

**DOCKET NO. FDC-D-325; NADA 10-941**

**PHILIPS ROXANE LABORATORIES**

Combination Drug Containing Isopenofen Hydrochloride, Phenylpropanolamine Hydrochloride, and Glyceryl Guisacolate; Notice of Withdrawal of Approval of New Drug Application

On November 15, 1972, there was published in the FEDERAL REGISTER (37 FR
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MONSANTO INDUSTRIAL CHEMICALS CO.

Notice of Filing of Petition for Food Additives


(b)(5)), notice is given that a petition (PAP 382870) has been filed by Monsanto Industrial Chemicals Company, 800 North Lindbergh Boulevard, St. Louis, MO 63166, proposing that § 121.2514 Restorative and polymeric coatings (21 CFR 121.2514) be amended in paragraph (b) (2)(ii) to provide for the safe use of ethylene and acrylamide as copolymers of vinyl chloride for use as a resinous and polymeric coating or coating component for food-contact surfaces.


ALBERT C. KOLBYE, Jr., Acting Director, Bureau of Foods.

[PR Doc.73-2246 Filed 2-5-73:8:45 am]

WINTHROP LABORATORIES

Combination Drug Containing Quinacrine Hydrochloride, Chloroquine Phosphate, and Hydroxychloroquine Sulfate; Notice of Withdrawal of Approval of New Drug Application

On November 15, 1972, there was published in the Federal Register (37 FR 24209) a notice of opportunity for hearing (DESI 11234) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug application for the following drug:

NDA 11-334 Triquin tablets containing quinacrine hydrochloride, chloroquine, phosphate, and hydroxychloroquine sulfate; formerly marketed by Winthrop Laboratories, 60 Park Avenue, New York, N.Y. 10016.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

Neither Phillips Roxane Laboratories nor any other interested person has filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug evaluated together with the evidence available to him, when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of new drug application 11-334 and all amendments and supplements applying thereto is withdrawn effective on February 6, 1973. Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.


SAM D. FINE, Associate Commissioner for Compliance.

[PR Doc.73-2247 Filed 2-5-73:8:45 am]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (25 FR 793, dated Apr. 16, 1960, as amended) is hereby further amended by adding the following at the end of section 8-B—Organization and functions:

8-B Bureau of Supplemental Security Income for the Aged, Blind and Disabled (BSBI)—Provides direction, leadership, and technical guidance for nationwide administration of the supplemental security income program for the aged, blind, and disabled. It develops, recommends, and issues substantive policies, procedures and interpretations to provide program direction to the supplemental security income program throughout SSA. It directs the conversion of the supplemental security income program to the Supplemental Security Income program and technical guidance for nationwide administration, organization, effective implementation, and operation of the Supplemental Security Income program. It negotiates agreements with States for Federal administration of State supplemental benefit programs. The Bureau appraises the quality and effectiveness of BSBI program administration and assures program integrity by directing programs for detecting, recovering and program abuse.

Assistant Director, Administration and Systems (BSBI)—Directs the planning, development, and implementation of Bureau management programs and the development and evaluation of systems requirements for implementing the supplemental security income program. Management programs include: Financial management, management services, space, management information, training, employee development, personnel management, organization, effective implementation, and short- and long-range planning. Directs the analysis of BSBI system requirements and the development and review of BSBI systems specifications. Directs Bureau participation in develop-
ing process flow arrangements and data
input mechanisms for converting State
administered payment systems to a single
Federal agency.

Assistant Director, Operations (BSSI)—Directs the planning, development,
implementation, and coordination of a program to assure effective interface
between the States and the Social Security Administration in the operation
of the supplemental security income program. Directs the development of agree-
ments and policies for implementing Federal/State assistance program rela-
tionships. Directs the conversion of State cases to the Federal rolls and provides
technical assistance to State/local agencies to ensure Federal requirements
are met. Provides operational guidance and direction to the regional offices
on operations, Federal/State relations, negotiations of agreements with States
and Federal/State fiscal matters. Coordinates BSSI regional operations with other SSA
components.

Assistant Director, Policy (BSSI) —
Directs the development, promulgation,
and interpretation of policies and sub-
stantive procedures unique to the supple-
mental security income program, includ-
ing: Eligibility; amount of benefits;
period for determination of benefits;
special limits on gross income; limitation
on eligibility of certain individuals; and
eligibility of certain individuals and eligible spouses. Coordinates the develop-
ment, promulgation and implementation of supplemental security income program policies with other SSA components.

Assistant Director, Program Review (BSSI) — Directs the Bureau’s program integrity and quality assurance pro-
grams. Plans, directs and coordinates Bureau activities and studies to assure regional and area uniformity and
compliance with legislation. Directs the develop-
ment and implementation of ongoing and special studies to measure and evaluate
the effectiveness of SSA policies and procedures, and improve the quality of SSA
work processes. Assures program integrity through directing a program of
detecting fraud and program abuse by: Developing, implementing and apprais-
ing an SSA program integrity operation; designing systems to prevent and detect
fraud and abuse; and participating in an
SSA-wide program integrity operation
with other SSA components.

(Section 6, Reorganization Plan No. 1 of 1953)

Dated: December 1972.

ELIOT L. RICHARDSON
Secretary of Health, Education, and Welfare.

[PR Doc. 72-2248 Filed 2-6-73:8:45 am]
NOTICES

14. Requires refrigeration for its safe containment; or

v. Can cause brittle fracture of normal ship structural materials or adobe containment materials by reason of its being carried at low temperatures, or because of its low boiling point at atmospheric pressure (unless uncontrolled release of the cargo is not a major factor);

19. Vessels and tows proceeding with the current shall have the right of way over vessels and tows proceeding against the current. When two vessels or tows are about to enter the navigation opening through the bridges from opposite directions at the same time, the vessel or tow proceeding against the current shall stop short of the opening until the vessel or tow having the right of way shall have passed through.

11. Vessels and tows desiring to pass through the navigation opening of any of the three bridges shall approach the opening along the axis of the channel and shall proceed with due regard for direction and velocity of the current and for any tendency to drift either to the right or to the left so as to pass through without danger of striking the bridges or their approaches. No vessel shall attempt to pass through the navigation opening of the Southern Pacific Railroad bridge until it is fully open.

12. The bridge tender of the Southern Pacific Railroad bridge is available on 156.650 MHz and 156.8 MHz (channels 13 and 16) for information regarding the lift span and the marine traffic in the vicinity of the bridge.

13. Violation of this order is punishable by forfeiture of the vessel and its equipment, and a fine of not more than $10,000 and imprisonment for not more than 10 years. 50 U.S.C. 192, 33 CFR 6.18-1.

14. This order is effective immediately for barges carrying chlorine: this order is effective for southbound traffic at 6 p.m. c.s.t., Monday, January 15, 1973; this order is effective for northbound traffic at 8 a.m. c.s.t., January 15, 1973. (Sec. 1, 40 Stat. 220, as amended, sec. 6(b)(1), 80 Stat. 927; 50 U.S.C. 191, 49 U.S.C. 1655(b)(1))

The existing bridge provides a minimum horizontal clearance of 20 feet between fenders. Complaints from shipping interests have been received alleging that the horizontal clearance is unreasonably obstructive to navigation. The purpose of the hearing is to determine whether alteration is needed and if so what alteration is required, having due regard for the necessity of free and unobstructed navigation upon the river. The needs of river traffic will also be considered.

Public comment, views, and data are required for ascertaining whether the bridge unreasonably obstructs navigation, whether vessels have unreasonable difficulty in passing the draw opening, the changes necessary to render navigation through or under the bridge reasonably free, easy and unobstructed, the character and the approximate amount of commerce affected by the obstructive features of the bridge, whether the commerce affected is sufficient to justify alteration of the bridge, and the impact of the alteration, if made, upon the quality of the human environment.

Any person who wishes to appear and be heard at this public hearing may do so and such person is requested to notify the Commandant, Seventh Coast Guard District, 1018 Federal Building, Atlanta, GA. 30303, not later than March 8, 1973, or mailed prior to that date to the Commandant, Seventh Coast Guard Districts, 1018 Federal Building, 51 SW First Avenue, Miami, FL 33130. Dated: February 1, 1973.

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

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. D) require that various items of lifesaving, firefighting and miscellaneous equipment, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant. U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from October 31, 1972, to December 31, 1972. These notices taken with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally found in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46. United States Code, section 1333 of title 43. United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (46 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 169 to 184.

3. Notwithstanding the termination of approvals listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

The International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, no longer manufactures certain kapok buoyant vests and Approvals Nos. 160.047/517/0, 160.047/518/0 and 160.047/519/0 were therefore terminated effective November 15, 1972.

The International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, no longer manufactures certain kapok buoyant vests and Approvals Nos. 160.048/505/0 was therefore terminated effective March 28, 1972.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

The International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, no longer manufactures certain uncellular plastic foam buoyant vests and Approvals Nos. 160.049/50/0 was therefore terminated effective November 15, 1972.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

The International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, no longer manufactures certain uncellular plastic foam buoyant vests and Approvals Nos. 160.050/500/0 was therefore terminated effective November 15, 1972.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

The International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, no longer manufactures certain uncellular plastic foam buoyant vests and Approvals Nos. 160.051/50/0 was therefore terminated effective November 15, 1972.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

The International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, no longer manufactures certain uncellular plastic foam buoyant vests and Approvals Nos. 160.052/50/0 was therefore terminated effective November 15, 1972.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

The International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, no longer manufactures certain uncellular plastic foam buoyant vests and Approvals Nos. 160.052/134/1 and 160.052/185/1 was therefore terminated effective December 7, 1972.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

The International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, no longer manufactures certain uncellular plastic foam buoyant vests and Approvals Nos. 160.052/169/1, 160.052/134/1 and 160.052/185/1 was therefore terminated effective October 31, 1972.

INCONSUMABLE MATERIALS FOR MERCHANT VESSELS

The Kompolite Products Co., Inc., 55 Webster Avenue, New Rochelle, NY 10801, Approval No. 164.009/12/0 expired

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and was terminated effective December 13, 1972.


W. F. Rea III
Rear Admiral, U.S. Coast Guard
Chief, Office of Merchant Marine Safety.

[FR Doc.73-2219 Filed 2-5-73;8:45 am]

NOTICES

INDIANA AND MICHIGAN ELECTRIC CO.
AND INDIANA AND MICHIGAN POWER CO.
Notice and Order for Second Prehearing Conference


In the matter of Indiana and Michigan Electric Co. and Indiana and Michigan Power Co. (Donald C. Cook Nuclear Power Plant, Units 1 and 2), Dockets Nos. 50-315, 50-316.

Take notice, that after giving careful consideration to the various motions for a second prehearing conference, the Atomic Safety and Licensing Board (Board) directs that a second prehearing conference be held in the subject matter, atmospheric dilution (CAD) system; (3) design modifications affecting several safety related systems; (4) rework related to deficiencies uncovered by the permittee’s quality control program and sitting problems in the circulating water system; and (5) late safety control documentation from vendors, increased inspection resulting from revisions to the ASME Code, strikes, work stoppages and inclement weather. The Director of Regulation having determined that this action involves no significant hazards consideration, and good cause having been shown:

It is hereby ordered, That the latest completion date for CPPR-42 is extended from February 1, 1973, to December 1, 1973.

For the Atomic Energy Commission.

ROGER S. BOYD
Acting Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-2214 Filed 2-5-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS Notice of Closed Meeting February 1, 1973.

The Advisory Committee on Reactor Safeguards will hold a closed meeting on February 8-10, 1973, at 1717 H Street NW., Washington, DC.

The agenda items tentatively scheduled for consideration are as follows:

- Duane Wood, Nuclear Energy Center—Construction.
- North Anna Power Station Units 3 and 4—Construction.

JOHN V. VINCIUZI
Advisory Committee Management Officer.

[FR Doc.73-2261 Filed 2-5-73;8:45 am]

CIVIL AERONAUTICS BOARD
DASSAULT INTERNATIONAL
Notice of Meeting

Notice is hereby given that a presentation regarding the Falcon/Mystere airplane will be made by the above company on February 14, 1973, at 2:30 p.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.


HARRY J. ZINKE
Secretary.

[FR Doc.73-2261 Filed 2-5-73;8:45 am]

[ Docket No. 22610]

EMPRESA GUATEMALTECA DE AVIACION Notice of Postponement of Prehearing Conference and Hearing Notice is hereby given that the prehearing conference and hearing in the above-entitled proceeding now scheduled for February 6, 1973 (33 FR 1761), is hereby postponed until February 7, 1973, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned administrative law judge.


RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.73-2267 Filed 2-5-73;8:45 am]

[ Docket No. 23333; Order 73-1-41]


An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board’s economic regulations, between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference three of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated January 12, 1973, names and additional specific commodity rates, and the cancellation of an existing rate. The additional rate, as set forth below, represents a reduction from the otherwise applicable general cargo rates.

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<th>Agreement specific CAB commodity item No.</th>
<th>Description and rate</th>
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<td>R-1</td>
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<td>R-2</td>
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[FR Doc.73-3947 Filed 3-1-73;8:45 am]
Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.34, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter ordered. Accordingly, it is ordered, that:

Agreement CAB 33492, R-1 and R-2, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the Federal Register.

[SEAL] HARRY J. ZINK, Secretary.
[FR Doc.73-2289 Filed 2-5-73;8:45 am]

SCHENKERS INTERNATIONAL FORWARDERS, INC.

Notice of Hearing
Schener & Co. GmbH (Germany), doing business as Schenkerson International Forwarders, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on February 20, 1973, at 9:30 a.m. (local time), in Room 1031, North Universal Building, 1375 Connecticut Avenue NW., before the undersigned administrative law judge.


[FR Doc.73-2290 Filed 2-5-73;8:45 am]

CIVIL SERVICE COMMISSION

ENVIRONMENTAL PROTECTION AGENCY

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 authorized on December 14, 1972, the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Director, Office of Assistant Administrator for Enforcement and General Counsel.

United States Civil Service Commission,
[SEAL] JAMES C. SPRY, Executive Assistant to the Commissioners.
[FR Doc.73-2280 Filed 2-5-73;8:45 am]

NOTICES

ENVIRONMENTAL PROTECTION AGENCY

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 authorized on January 9, 1973, the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Director, Office of Regional Liaison, Office of the Administrator.

United States Civil Service Commission,
[SEAL] JAMES C. SPRY, Executive Assistant to the Commissioners.
[FR Doc.73-2281 Filed 2-5-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

United States Civil Service Commission,
[SEAL] JAMES C. SPRY, Executive Assistant to the Commissioners.
[FR Doc.73-2282 Filed 2-5-73;8:45 am]

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 revoked on September 22, 1972, the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary for Special Programs, Office of the Secretary.

United States Civil Service Commission,
[SEAL] JAMES C. SPRY, Executive Assistant to the Commissioners.
[FR Doc.73-2283 Filed 2-5-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[DOCS No. 18128, 18684]

AMERICAN TELEPHONE & TELEGRAPH CO.

Certain Tariff Revisions; Extension of Time
In the matter of American Telephone & Telegraph Co., long lines department; revisions of Tariff F.C.C. No. 280 Private
NOTICES

Line Services, Series 5000 (TELPAK), Docket No. 18126.


Petitions requesting an extension of time, within which to file proposed findings of fact and conclusions of law in the above-captioned consolidated proceeding have been filed by Defense, Microwave Communications, revision of American Telephone & Telegraph Co., Tariff P.C.C. No. 260 Series 6000 and 7000 Channels (program transmission services), Docket No. 18684.

The record in this proceeding is monumental and the foregoing unopposed petitions have demonstrated good cause for the requested extension. Accordingly, pursuant to § 0.303(c) of the Commission's rules, the date for the filing of proposed findings is extended from February 8, 1973 to March 12, 1973.


[FR Doc.73-2236 Filed 2-6-73; 8:45 am]

[Report 639]

COMMON CARRIER SERVICES INFORMATION

Domestic Public Radio Services Applications Accepted for Filing


Pursuant to §§ 1.227(b) (3) and 21.30 (b) of the Commission's rules, an application, in order to be considered by any domestic public radio services applicant appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alteration.

The above reference to the cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave and Local Television Transmission Services (Part 21 of the rules).

NATIVE EARLIER DATE. THE MUTUAL EXCLUSIVITY RIGHTS OF A NEW APPLICATION ARE GOVERNED BY THE EALIEST ACTION WITH RESPECT TO ANY ONE OF THE EARLIER FILED Conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE


5399-C2-P-(3)-73—Radio Telephone of Maine (KQZ378), to change control antenna location and resonant repeater antenna at 12 Acme Road, Brewer, ME, operation 454.325 Control and 459.325 Repeater.

5401-C2-P-(3)-73—Auto Phone Service (KIB384), C.P. for additional facilities operating on 454.050 and 454.100 MHz at 250 North Orange Avenue, Orlando, FL.

5402-C2-P-(3)-73—Empire Communications Co. (KOE331), for additional facilities (location No. 4) to operate on 152.15 MHz and 72.42 MHz Repeater at Goodwin Peak, 7 miles South of Mapleion, Oreg., and 73.92 MHz Control at 162 East Sixth Avenue, Eugene, Oreg.


5441-C2-P-73—Empire Communications Co. (KLF955), C.P. to replace transmitter, operating on 454.15 MHz Repeater at 10 miles southwest on Powell, Butte, Prineville, Oreg.


5430-C2-P-(6)-73—Radio Page Communications, Inc. (KME438), for additional facilities (one-way signaling) operating on 95.32 MHz at location No. 1: 1518 Skyline Road, La Habra Heights, CA, location No. 2: Costa Mesa, Calif., location No. 3: Sand Pedro Hill, approximately 2 miles west of San Pedro, Calif., location No. 4: 1201 Sixth Street, Los Angeles, CA, location No. 5: 8155 Van Nuys Avenue, Van Nuys, CA, location No. 6: Flint Peak, 37 miles east of Chevy Chase Drive, Glendale, Calif.

Major Amendments

545-C2-P-73—Albert M. Steiner, trading as Long Island Telephone Co. (KJ4884), amend to add base facilities operating on 454.250 MHz at a location No. 5 described as 920 Crooked Hill Road, Brentwood, NY. All other particulars of operation remain as reported in Public Notice No. 606 dated July 24, 1972.

556-C2-P-(3)-73—Pass Wood, Inc. (KMM697), amend to add additional base facilities at location No. 1 operating on frequencies 454.025 and 454.075 MHz. All other particulars of operation are to remain as reported on Public Notice No. 608 dated August 7, 1972.

1193-C2-P-(3)-73—Caprock Communications, Inc., doing business as Caprock Dispatch (KOS35), amend to add control facilities operation on 72.22 MHz at a location described as 102 West First Street, Roswell, NM. All other particulars of operation are to remain as reported on Public Notice No. 612 dated September 5, 1972.

On the common carrier public notice of September 25, 1972 (Report No. 618), applicants were advised that, pursuant to § 21.15(c) (5) of the Commission's rules, an application proposing a new station shall contain a statement concerning the availability of the site to be used and, if not owned by the applicant, the terms of (or copy of) any agreements for the use of the site and free access to the station facilities. A substantial number of applications on file, particularly those pending as of September 25, still have not been amended to include this information. Therefore, any pending application which has not been amended as necessary in this regard on or before February 28, 1973 will be subject to being returned as defective pursuant to § 21.26 of the rules.

POINT-TO-POINT MICROWAVE RADIO SERVICE


5319-CL-TC—(5)-73—TV Cables of Mississippi, consent to transfer of control from Warner Communications, Inc., Transferor, to Warner Cable Corp., Transferee (Pro forma). Stations: (KLT74) Farrell, Miss.; (KLT75) Cleveland, Miss.; (KLT499) Indiana, Miss.; (KTM25) Island, Miss.; (KTM21) Alligator, Miss.

The following application was erroneously omitted from Public Notice, dated January 8, 1973, Report No. 618.

4855-CL-P-73—The Pacific Telephone & Telegraph Co. (KMX35), Hall Canyon Hill, 1-5 northeast of Ventura, Calif., latitude 34°17'57" N. and longitude 119°16'21" W., C.P. to add frequency 3930 MHz toward Santa Ynez Peak, Calif; frequency 4710 MHz toward Topanga Ridge, Calif.

4854-CL-P-73—Nebraska Consolidated Communications Corp. (New), C.P. for a new station at 30 North Wadena Drive, Chicago, IL at latitude 41°33'30" N. and longitude 87°38'-15" W., frequencies 6034.2 MHz, 6065.3 MHz, 6125.8 MHz toward Glendale on azimuth 274°06'.
FEDERAL REGISTER, VOL. 38, NO. 24—TUESDAY, FEBRUARY 6, 1973

NOTICES

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

3458-Cl-P-73—Same (New), C.P. for a new station 1.5 miles northwest of Glendale, Ill., at latitude 41°04'24" N. and longitude 88°05'39" W., frequencies 6286.6V, 6373.6V, 6315.6V MHz toward Liley Lake, Ill., on azimuth 264°07'; 6286.2V toward Chicago on azimuth 385°26'.

3466-Cl-P-73—Same (New), C.P. for a new station 1.8 miles north of Liley Lake, Ill., at latitude 41°02'38" N. and longitude 88°20'50" W., frequencies 5802.7H, 6108.3H, 6406.0H MHz toward DeKalb, Ill., on azimuth 249°06'; 6043.2H MHz toward Glendale, Ill., on azimuth 103°25'.

3467-Cl-P-73—Same (New), C.P. for a new station 2 miles northeast of Oregon, Ill., at latitude 42°02'25" N. and longitude 88°18'50" W., frequencies 6004.2H, 6203.5H, 6152.8H MHz toward Sterling, Ill., on azimuth 239°20'; 6286.2H MHz toward Liley Lake, Ill., on azimuth 68°54'.

3468-Cl-P-73—Same (New), C.P. for a new station 4.6 miles southwest of DeKalb, Ill., at latitude 41°52'44" N. and longitude 88°48'31" W., frequencies 6286.6V, 6373.6V, 6315.6V MHz toward Oregon, Ill., on azimuth 339°20'; 6286.2H MHz toward Liley Lake, Ill., on azimuth 90°19'.

3490-Cl-P-73—Nebraska Consolidated Communications Corp. (New), C.P. for a new station 5 miles east of Lewis, Iowa, at latitude 41°18'00" N. and longitude 94°50'00" W., frequencies 6093.5V, 6152.8V, 6046.5V MHz toward Omaha, Neb., on azimuth 265°58'; 6343.2H, 6093.5H MHz toward Casey, Iowa, on azimuth 100°10'.

3501-Cl-P-73—Same (New), C.P. for a new station 5.5 miles east-northeast of Benton, Iowa, at latitude 41°24'35" N. and longitude 95°51'04" W., frequencies 6286.2V, 6345.5V, 6404.8V MHz toward Lewis, Iowa, on azimuth 105°32'.

3502-Cl-P-73—Same (New), C.P. for a new station at 18th and Farnam Streets in Omaha, Neb., at latitude 41°19'29" N. and longitude 90°54'24" W., frequencies 6034.2H, 6093.5H MHz toward Campbell Hall, N.Y.

3536-Cl-P-73—Same (NEW), 2 miles east of Campbell Hall, N.Y., at latitude 41°26'30" N. and longitude 74°13'43" W., C.P. to add frequency 40308MHz toward Columbus, N.J.; frequency 40308MHz toward Putnam Valley, N.Y.

3555-Cl-P-73—Same (KTC67), 9.9 miles east of Cold Spring, N.Y., at latitude 41°25'54" N. and longitude 79°13'45" W., C.P. to add frequency 40701MHz toward Campbell, N.Y.


4061-Cl-MI-73—Same (KIL61), 3 miles west of Hancock Landing, Ga., at latitude 33°29'09" N. and longitude 81°39'53" W., C.P. to add frequency 3710H MHz toward Augusta, Ga.; frequencies 3700H, 3850H, 3910H, 3990H, and 4150H MHz toward Allendale, S.C.

4066-Cl-MI-73—Same (KIL50), 397 Greene Street, Augusta, S.C., at latitude 33°28'36" N. and longitude 81°58'19" W., C.P. to add frequency 40701MHz toward Augusta, Ga.; frequencies 3700H, 3850H, 3910H, 3990H, 4150H and 4170H MHz toward Allendale, S.C.


4155-Cl-P-73—Same (KTC85), 9.9 miles east of Cold Spring, N.Y., at latitude 41°25'54" N. and longitude 79°13'45" W., C.P. to add frequency 40701MHz toward Campbell, N.Y.

4158-Cl-P-73—Same (KTC67), 9.9 miles east of Cold Spring, N.Y., at latitude 41°25'54" N. and longitude 79°13'45" W., C.P. to add frequency 40701MHz toward Campbell, N.Y.

4168-Cl-P-73—Same (KTC85), 9.9 miles east of Cold Spring, N.Y., at latitude 41°25'54" N. and longitude 79°13'45" W., C.P. to add frequency 40701MHz toward Campbell, N.Y.
MATSUSHITA ELECTRIC CORP.
Interpretations for Class I TV Devices

FCC Chief Engineer Raymond E. Spence has clarified and added comments concerning rules adopted for Class I TV devices (Docket 19231) in response to questions raised by Matsushita Electric Corp. of America (MEC).

The following issues were covered in a letter to MEC:

I. Effective date. As far as the user (purchaser) of the equipment is concerned, the effective date is the earliest date that the user can operate the equipment or carry on the activity that is permitted. As far as a U.S.A. manufacturer is concerned, the effective date is the earliest date when the equipment (which had previously received the appropriate FCC authorization) may be shipped or sold. As far as a foreign manufacturer, the effective date is the earliest date when the equipment (which had previously received the appropriate FCC authorization) may be imported into the U.S.A.

II. Frequency tolerance. The intent of the rules is to protect reception of TV signals and, when necessary, to provide a means of keeping spurious equipment out of the hands of the public. The purpose of this intent is to provide a means of keeping spurious equipment out of the hands of the public.

C. Control accessible to the user; inclusion of a label on the surface of the cabinet as well as a control accessible through a hole in the cabinet by a tool such as a screwdriver or tuning or trimming rod. It does not include an internal control that can be reached only after the cabinet or housing is removed.

D. After a model has been type approved, changes in cabinet color (but not cabinet materials) may be made by the manufacturer without prior approval. If a new model is approved, no change is made in the type number. However, if the type number is changed to correspond to the new color, or a change in trade name is made, an application for a new type approval must be submitted with a new filing fee equal to that for a modification of a type approval. Submission of a new sample, technical data, and a change in technical specification is not required for such a minor change. On the other hand, changes in cabinet construction or material may require retesting.

E. For testing for type approval you may submit an engineering or prototype sample prior to mass production. It must be understood, however, that the units produced on the production line for regular sale must be identical to the sample or prototype model with the listed optional accessories. Neither the engineers at our laboratory nor the engineers at MEC will be held responsible if the engineers at our laboratory. You may want to discuss this matter further with the engineers at our laboratory.

III. Antenna output signal level. The antenna output signal level is lower than the level permitted in CATV systems.

IV. Type approval. A. Please disregard the following details set out in our present Part 2 rules. These are being revised in our Docket No. 19356. To facilitate handling, please submit your application on FCC Form 729 accompanied by the required fee and the attachments specified in $15.401(a) and send the entire package to the FCC, Washington, D.C. 20554. It should not be marked for the attention of any individual or office. The filing fee will be removed by our Fee Cage and the Form 729 and attachments will be forwarded to our laboratory. If the application appears to be satisfactory, the laboratory will authorize you to ship or deliver the sample for test. The circuit diagrams and instruction manual may accompany either the Form 729 or the sample. However, the technical specification in this language is to y the FCC and the Form 729, since this information is used to determine whether the device is eligible for type approval.

B. The terms “reasonable assurance” and “satisfactory maintenance” have the commonly understood meanings. Our procedure is to examine the equipment and the details of construction and to estimate the kind of maintenance this equipment will receive at the hands of the public. On this basis, our engineers make an estimate about continued compliance as the equipment ages. The purpose of this estimate is to provide a means of keeping spurious equipment out of the hands of the public.

V. Certification of built-in tuner. A Class I TV device which incorporates a TV tuner or receiver is considered to be both a Class I TV device and a TV receiver. It must be both type approved and certificated in compliance with Subpart C of Part 15. It may be labeled in accordance with the two labeling requirements of these subparts. In certifying the receiver, you may ignore the performance of the Class I device and, in type approving the Class I device, our engineers will ignore the emissions of the TV receiver portion of the system. A somewhat different situation is presented by a tape recorder or player associated with a Class I TV device. A tape machine, when it exists entirely apart from a Class I TV device is considered to be a restricted radiation device, and its emissions are regulated by Section 15.7. The present rules do not require certification or type approval of such a device. When a Class I TV device incorporates a tape machine, or is incorporated within a tape machine, to which the other the combination is treated as a Class I TV device and the emissions from each portion of the system are treated alike.

VI. Modules. You have shown us systems composed of video recorder NV-3062, modulator NV-U415 for channel 5 or NV-U416 for channel 6, external color adaptor NV-A610 (containing a modulator), AC adaptor and TV camera. This system can be type approved as a single unit composed of Parts 15 and 29, but the modulator, TV camera, AC adaptor, video recorder, and TV camera should be submitted for type approval as individual units. If the user is not interested in type approval, we may handle this as a single unit. The rules require that each unit be type approved and that the rules applicable to such units be noted on the label of the single unit.

As was pointed out during our January 9, 1973, meeting, this is a new field. Based on the experience that will be accumulated during our testing activity, it may be necessary to revise the above answers, or our testing procedures, or the rules that have been promulgated.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL]
BEN F. WAPLE,
Secretary.

FEDERAL REGISTER VOL. 38, NO. 24—TUESDAY, FEBRUARY 6, 1973

MOTOROLA INC.
Antenna Radio Frequency Indicator; Interpretation of Rule

Safety and Special Radio Services Bureau Chief James E. Barr has sent the following letter in response to a request by Motorola, Inc., for an interpretation of the rule concerning the use of a device or device in the maritime mobile service (Part 83) to indicate radiation of radio frequency energy:

Reference is made to your letter of January 10, 1973, concerning interpretation of § 83.528, Part 83, of the Commission's rules.
The device required by § 83.538 must be capable of indicating that radio frequency energy is being radiated from the antenna. While it is not necessary that the visual indicator employed be calibrated to indicate the amount of power actually being radiated from the antenna, the visual indicator must be capable of showing that the transmitter is supplying power to the antenna in both the low power (1 watt) and full power output positions. A device of this type will provide ready indication if the transmission line is open, or if the antenna has been carried away.

In regard to the use of a voltage standing wave ratio (VSWR) meter, such an indicator would convey substantially less information to the nontechnical user than would be conveyed by a radiated power indicator. The significance of the VSWR reading would vary from vessel to vessel depending on the length of transmission line and type of antenna ( impedance match or mismatch) employed. It would not, however, provide distinction between the low power and full power output positions of the transmitter.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] BEN F. WAPLE, Secretary.

[PR Doc.73-2260 Filed 2-5-73:8:45 am]

AMOS J. MATHEWSON AND DALE A. OWENS

Standard Broadcast Applications


The following applications seek the identical facilities of former station KPAS, Banning, Calif. The license of KPAS was canceled and the station's call letters were deleted by Commission action of November 22, 1972. See letter of November 22, 1972, addressed to Banning Broadcasting Co., FCC 72-1048. Accordingly, we have waived the provisions of Note 2 to § 1.571 of the Commission's rules and accepted the applications for filing. Similarly, we will accept any other applications for consolidation with the above applications must be in direct conflict and tendered no later than March 14, 1973.

The attention of any party in interest desiring to file pleadings concerning these applications, pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.590 (1) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.


FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] BEN F. WAPLE, Secretary.

[PR Doc.73-2262 Filed 2-5-73:8:45 am]

NATIONAL INDUSTRY ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of Public Law 92-463, announcement is made of a public meeting of Working Groups I and V, Broadcast Services Subcommittee, National Industry Advisory Committee, to be held Tuesday, February 13, 1973, The Working Groups will meet in Joint session at 1229 20th Street NW., Washington, DC, Room A-265 at 2 p.m.

Purpose: To prepare and submit recommendations to the Federal Communications Commission concerning voluntary organized industry participation in the Emergency Broadcast System.

Agenda. The agenda for the meeting is, as follows:

1. Scheduled closed circuit tests of national-level interconnecting systems and facilities of the Emergency Broadcast System (EBS). (§ 73.603, FCC rules)
2. Revision of the basic EBS plan, dated August 4, 1967. (§ 73.613, FCC rules)
3. Revision of detailed State EBS operational plans, (§ 73.922, FCC rules)
4. Emergency operations.

It is suggested that those desiring more specific information about the meeting telephone the Emergency Communications Division (202)632-7232.

FEDERAL COMMUNICATIONS COMMISSION

BEN F. WAPLE, Secretary.

[PR Doc.73-2263 Filed 2-5-73:8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF LONG BEACH AND EVANS PRODUCTS COMPANY

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. 314).

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, on or before February 28, 1973. 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 determination that the rate charged is not in the public interest or that 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 agreement that 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:

Leonard Putnam, City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, Calif. 90802.

Agreement No. T-1988-3, between the City of Long Beach (City) and Evans Products Co. (Evans), modifies the basic agreement (as amended), which provides for the lease to Evans of certain marine terminal properties at Long Beach, Calif. The purpose of the modification is to:

1. Reduce the area of Parcel I of the premises by 12,716 square feet;
2. Increase Evans' rental for Parcel I by $8,222 to $23,222 for the period of September 6, 1968 to September 5, 1969, as provided for in a rental adjustment provision of the basic agreement, as well as increase the rental for Parcel II by $7,778 to $250,000 annually for the balance of the term of the agreement commencing September 6, 1973; and
3. Add a 281,595 square foot Parcel II to the premises at an annual rental of $350,000;

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1. Reduce the area of Parcel I of the premises by 12,716 square feet;
2. Increase Evans' rental for Parcel I by $8,222 to $23,222 for the period of September 6, 1968 to September 5, 1969, as provided for in a rental adjustment provision of the basic agreement, as well as increase the rental for Parcel II by $7,778 to $250,000 annually for the balance of the term of the agreement commencing September 6, 1973; and
3. Add a 281,595 square foot Parcel II to the premises at an annual rental of $350,000;

Notice of agreement filed by:

Leonard Putnam, City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, Calif. 90802.

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3. Add a 281,595 square foot Parcel II to the premises at an annual rental of $350,000;

Notice of agreement filed by:

Leonard Putnam, City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, Calif. 90802.
NOTICES

has been paid $125,000 after which the City and Evans are to receive 25 and 75 percent respectively of said wharfage and rendering Evans incapable of using the rental adjustments.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, Secretary.

[FRI Doc.73-2293 Filed 2-5-73;8:45 a.m]

HANSA LINE 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 29 of the Shipping Act, 1916, as amended (39 Stat. 733, 73 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 on 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, on or before February 15, 1973.

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 a detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the facts and circumstances alleged 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 thereafter) and the statement should indicate that this has been done.

Notice of agreement filed by:
Richard W. Kurrus, Esq., Kurrus and Jacob, 2000 K Street NW., Washington, D.C. 20006

Agreement No. 9972-1 is a request by the above named carriers to extend the approval of Agreement No. 9972, the Mediterranean Discussion Agreement, for an additional 6 months. The basic agreement which was originally approved for 1 year on January 29, 1972, provides for the exchange of information and cooperation in developing information relating to the carriage of cargo in intermodal containers between U.S. Atlantic ports and Mediterranean ports for the purpose of determining whether uniform and equal rules, practices, and procedures are needed to improve the benefits of container services for both shippers and carriers.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, Secretary.

[FRI Doc.73-2293 Filed 2-5-73;8:45 a.m]

E. A. GONZALEZ CO., INC.
Order of Revocation


"By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) $ 7.04(f) (dated May 1, 1972);

It is ordered, That Independent Ocean Freight Forwarder License No. 569 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of E. A. Gonzalez Co., Inc. be and is hereby revoked effective January 23, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the Federal Register and served upon E. A. Gonzalez Co., Inc.

AARON W. REESE, Managing Director.

[FRI Doc.73-2294 Filed 2-5-73;8:45 a.m]

FEDERAL POWER COMMISSION
NATIONAL GAS SURVEY TRANSMISSION—TECHNICAL ADVISORY TASK FORCE—FACILITIES
Order Designating Member


The Federal Power Commission by order issued December 21, 1971 established the Technical Advisory and Coordinating Commissions task forces of the National Gas Survey.

1. Membership. Mr. Malcolm H. Boswell, a member of the task force has resigned. A new member to the transmission—technical advisory task force—facilities, as selected by the Chairman of the Commission with the approval of the Commission, follows:

Alexander H. Carameros, director of engineering and design, El Paso Natural Gas Co. By the Commission.

[KSEL] KENNETH F. PLUMB, Secretary.

[FRI Doc.73-2234 Filed 2-5-73;8:45 a.m]

ARIZONA LINE GAS CO.
Notice of Proposed Changes in Rates and Charges


Take notice that Arizona Line Gas Co. (Arkla) tendered for filing on the
NOTICES

BANGOR-HYDRO ELECTRIC CO.

Order Vacating Order Providing for Hearing and Setting Dates


On June 29, 1972, we ordered a hearing to be held concerning the necessity of a second fishway at Project No. 2600 on the Penobscot River in the towns of Enfield and Howland, Penobscot County, Maine. We ordered a hearing in this matter in view of the conflicting positions of the Department of the Interior and the State of Maine Department of Inland Fisheries and Game and the Atlantic Sea-Run Salmon Commission. This order also provided for the filing of protests and petitions to intervene.

Under the provisions of the order the Department of the Interior, the Department of Inland Fisheries and Game, the Licensee and the Atlantic Sea-Run Salmon Commission were to file their respective testimony and exhibits by August 1, 1972. By letter of July 17, 1972, the Department of Inland Fisheries and Game reaffirmed its position against construction of a second fishway at this time and declined participation in the scheduled hearing. The Department of Inland Fisheries and Game, the Atlantic Sea-Run Salmon Commission, the Licensee and the Department of the Interior did not respond and did not file either testimony or exhibits by the due date specified in the order providing for a hearing. No protests or petitions to intervene have received.

On August 21, 1972, Commission Staff Counsel filed a motion to vacate our June 29, 1972, order on the basis that the aforementioned participants did not file their written testimony and exhibits as required by the June 29, 1972, order.

We hereby vacate the above-mentioned order of June 29, 1972, providing for a hearing and setting dates should be vacated.

The Commission orders:

(A) Commission Staff Counsel's motion to vacate our June 29, 1972, order providing for a hearing and setting dates is hereby granted.

(B) Our order of June 29, 1972, providing for a hearing and setting dates is hereby vacated.

By the Commission.

KENNETH F. PLUMB, Secretary.

FR Doc 73-2222 Filed 2-9-73 8:45 am]

CENTRAL MAINE POWER CO.

Notice of Proposed Changes in Rates and Charges


Take notice that Central Maine Power Co. (Central Maine), on November 3, 1972, as supplemented on December 7, 1972, tendered for filing proposed changes in its PPC Electric Rate Schedule No. 503. The filing consists of a new service contract to be effective December 2, 1972, between Central Maine and...
NOTICES

Squirrel Island Village Corp. (Squirrel Island) which replaces and supersedes Rate Schedule 20. Central Maine estimated revenues of approximately $6,500 for the 12 months ended November 30, 1973, from the sales to Squirrel Island. Central Maine states that copies of this filing were served on Squirrel Island. Any person wishing to file a protest should be filed on or before February 1, 1973, from the sales to Squirrel Island. The protest said application should be made available for public inspection.

KENNETH F. PLUMB, Secretary.

[FR Doc. 73-2225 Filed 2-5-73; 8:45 am]
NOTICES

(C) The Administrative Law Judge will specify the order of cross-examination and time and to be permitted for preparation of rebuttal evidence.

(H) Subsequent to the filing of the final environmental impact statement but prior to the opening of the hearing, the Administrative Law Judge shall hold a public hearing session in the vicinity of the project for the purpose of receiving statements of position from interested members of the public. Public notice of the public hearing session shall be given in the vicinity of the project prior to such hearing session.

(I) If upon motion filed 20 days in advance of the due date for submission of prepared direct testimony and a showing of fact upon which the Administrative Law Judge finds it would be an economic hardship to prepare written testimony, the Administrative Law Judge may permit a party to present sworn direct oral testimony.

(J) If upon motion filed 20 days in advance of the due date of the hearing and a showing that presentation of a witness in Washington, D.C., will constitute a hardship, the Administrative Law Judge may permit cross-examination of such witness upon presentation of a sponsoring witness therefor shall be considered.

(L) In order to provide for an expeditious hearing procedure, to avoid repetitious and cumulative cross-examination, and the necessity for recalling witnesses, all cross-examination on any particular area or subject matter receiving evidentiary treatment by the parties and treatment in the final environmental impact statement shall be conducted at one time. Witnesses deemed necessary to complete such cross-examination shall be subject to recall as needed.

(M) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent they are modified or supplemented herein.

By the Commission. 

KENNETH F. PLUMB, Secretary.

[FEDERAL REGISTER, VOL. 38, NO. 24—TUESDAY, FEBRUARY 6, 1973]

Notice of Proposed Changes in Rates and Charges


(Dockets Nos. RP72-150, RP72-153)

EL PASO NATURAL GAS CO.

Notice of Further Extension of Time and Postponement of Hearing


On January 26, 1973, staff counsel filed a motion for extension of dates for the service of evidence and for the continuance of hearing as fixed by order issued July 31, 1972, and modified by notice issued December 1, 1972, in the above-designated matters (southern division system). The motion states that no party objects to the motion.

Upon consideration, notice is hereby given that the procedural dates fixed by order issued December 1, 1972, are further amended as follows:

Service of evidence....... Mar. 16, 1973

Intervener's evidence........ Apr. 6, 1973

El Paso's rebuttal evidence........ Apr. 30, 1973

Hearing and commencement of cross examination.... May 1, 1973

KELLY F. PLUMB, Secretary.

[FR Doc.73-2228 Filed 2-5-73;8:45 am]

EL PASO NATURAL GAS CO.

Notice of Extension of Time


On January 23, 1973, California-Pacific Utilities Co. et al. filed a motion for change in dates for submission of evidence on rate design (conjunctive billing) issue and for the hearing in Docket No. RP72-151 as established by the order issued November 7, 1972, in Docket No. RP71-127.

The motion states that staff counsel and El Paso Natural Gas Co. are agreeable to the motion.

Upon consideration, notice is hereby given that the procedural dates as set by the order issued November 7, 1972, are modified as follows:

Direct evidence by El Paso.... Mar. 30, 1973

and interveners.

Staff evidence............. Apr. 27, 1973


Hearing for cross examination.... May 22, 1973

KELLY F. PLUMB, Secretary.

[FR Doc.73-2227 Filed 2-5-73;8:45 am]

GEORGIA POWER CO.

Notice of Filing Seeking Compliance With License Articles


The Georgia Power Co. licensee for the Wallace Dam project No. 2415 located...

[FR Doc.73-2226 Filed 2-5-73;8:45 am]

[Project No. 2415]
NOTICES

ORDER FURTHER MODIFYING HEARING ORDER AND SETTING DATES


On January 18, 1973, we issued an order modifying our hearing order and setting dates in connection with the application of Interstate Power Co. for a new license for Project No. 108.

The conclusion expressed by the court of appeals in that case in our revised Order No. 415-C (FPC Docket No. R-398) issued December 18, 1972.

The conclusions expressed by the court of appeals in Greene County Planning Board v. FPC, 455 F. 2d 412 (1972), FPC v. Greene County Planning Board, S. Ct. No. 71-191 (1972).

Accordingly, we have applied the conclusions expressed by the court of appeals in that case in our revised Order No. 415-C (FPC Docket No. R-398) issued December 18, 1972.

The conclusions expressed by the court of appeals in Greene County Planning Board v. FPC, 455 F. 2d 412 (1972), FPC v. Greene County Planning Board, S. Ct. No. 71-191 (1972).

Accordingly, we have applied the conclusions expressed by the court of appeals in that case in our revised Order No. 415-C (FPC Docket No. R-398) issued December 18, 1972.

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Accordingly, we have applied the conclusions expressed by the court of appeals in that case in our revised Order No. 415-C (FPC Docket No. R-398) issued December 18, 1972.
NOTICES

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all of the procedures and safeguards contained in the National Environmental Policy Act, as construed in Greene County Commissioners v. FPC, supra, and implemented by our Order 415-C. It is necessary to modify our orders of June 28 and September 8, 1972. The revised order will provide that the hearing in this proceeding shall be held in a hearing room in the vicinity of the project, as provided for in paragraph (H) of this order.

(1) If it becomes apparent that a saving of time or money may be achieved in clarifying relevant issues to be tried, the Administrative Law Judge shall hold a pre-hearing conference at which, among other matters, the admission into evidence of relevant but uncontroverted facts without the necessity of presenting a sponsoring witness therefor shall be considered.

(2) In order to provide for an expeditious hearing procedure, to avoid repetitious and cumulative cross-examination, and the necessity for recalling witnesses, all cross-examination on any particular area or subject matter receiving evidentiary treatment by the parties and treatment in the final environmental impact statement shall be conducted at one time. Witnesses deemed necessary to complete such cross-examination shall be subject to recall as needed.

(3) The Commission’s rules of practice and procedure shall apply in this proceeding except to the extent they are modified or supplemented herein.

By the Commission.

[Seal.] KENNETH P. PECK,
in conformance with the applicable Federal Power Policy Act, as construed in Greene County Commissioners v. FPC, supra, and implemented by our Order 415-C. It is necessary to modify our orders of June 28 and September 8, 1972. The revised order will provide that the hearing in this proceeding shall be held in a hearing room in the vicinity of the project, as provided for in paragraph (H) of this order.

(1) If it becomes apparent that a saving of time or money may be achieved in clarifying relevant issues to be tried, the Administrative Law Judge shall hold a pre-hearing conference at which, among other matters, the admission into evidence of relevant but uncontroverted facts without the necessity of presenting a sponsoring witness therefor shall be considered.

(2) In order to provide for an expeditious hearing procedure, to avoid repetitious and cumulative cross-examination, and the necessity for recalling witnesses, all cross-examination on any particular area or subject matter receiving evidentiary treatment by the parties and treatment in the final environmental impact statement shall be conducted at one time. Witnesses deemed necessary to complete such cross-examination shall be subject to recall as needed.

(3) The Commission’s rules of practice and procedure shall apply in this proceeding except to the extent they are modified or supplemented herein.

By the Commission.

[Seal.] KENNETH P. PECK,

Secretary.

[FR Doc. 73-2233 Filed 2-5-73; 8:45 am]

O NG EXPLORATION, INC.

Notice of Application


Take notice that on January 19, 1973, ONG Exploration, Inc. (Applicant), 624 South Boston Avenue, Tulsa, OK 74119, filed in Docket No. C73-508 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Co. (Northern) from Lipscomb County, Tex., and Beaver County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 5,000 Mcf of gas per day at 35 cents per Mcf at 14.65 P-sf/L, subject to upward and downward B.t.u. adjustment, for 1 year within the contemplation of § 2.70 of the Commission’s general policy and interpretations (38 C.F.S. 2.70). Initial upward B.t.u. adjustment is estimated at 5 cents per Mcf. Northern may take in excess of 5,000 Mcf of gas per day if made available by Applicant.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 45 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make protest with reference to said application should file on or before February 12, 1973, file with the Federal Power Commission, Wash-
NOTICES

FEDERAL RESERVE SYSTEM

FORMATION OF BANK HOLDING COMPANY AND CONTINUATION OF INSURANCE ACTIVITIES

The Farmers & Merchants Insurance Agency, Inc., Colby, Kans., has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 50 percent or more of the voting shares of the Farmers & Merchants State Bank, Colby, Kans. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The Farmers & Merchants Insurance Agency, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 234.170 of Regulation Y, for permission to continue to engage in insurance agency activities. Notice of the application was published on December 20, 1972, in The Prairie Drummer, a newspaper circulated in Thomas County, Kans.

Interested persons may express their views on the question whether consumption of the proposal can "reasonably be expected to produce benefits to the public, such as increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence that greater convenience, increased competition, or gains in efficiency are expected from the proposal. Requests should be directed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C.

FARMERS & MERCHANTS INSURANCE AGENCY, INC.

Applicants: Texaco, Inc., located at 50312, Houston, Tex. 77002, filed Notice of Application in Docket No. FPC 73-507 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Florida Gas Transmission Co., from the Lake Fausse Point Field, Iberia and Saint Martin Parishes, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any views on these applications or requests for hearings should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C.

NOTICES

OKLAHOMA NATURAL GAS GATHERING CORP.

Notice of Proposed Changes in Rates and Charges


Notice that Oklahoma Natural Gas Gathering Corp. (Okla-Nat) on January 10, 1973, (cumulative filing for proposed changes in its FPC Gas Tariff, Original Volume No. 1, Okla-Nat states that the change is being made to assure that its existing PGA is consistent with Orders Nos. 452 and 482-A. The proposed change would add an unrecovered purchased gas account to Okla-Nat's PGA and provide for periodic clearing of such account. Finally, Okla-Nat requests waiver of the Commission's prior notice requirements to permit the change to be effective as of January 1, 1973.

Any person desiring to be heard in protest against said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 6, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protesting parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure (18 CFR 1.8, 1.10), all protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protesting parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 6, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protesting parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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Children will be held on February 15, 1973.


Michael A. Greenspan, Assistant Secretary of the Board.

FIRST BANCORP, INC.

Acquisition of Bank

First Bancorp, Inc., Corsicana, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 78 percent of the voting shares of Citizens State Bank, Malakoff, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 26, 1973.


Michael A. Greenspan, Assistant Secretary of the Board.

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

REVIEW OF ANNUAL REPORTS

Notice of Public Meeting

Notice is hereby given, pursuant to Executive Order 11871, that the next full meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on February 15, 1973, at 1 p.m.–9 p.m., and February 16, 1973 at 9 a.m.–4:30 p.m. local time in Room 261, 1717 H Street NW., Washington, DC 20006. (Subcommittees will meet informally Thursday morning.)

The National Advisory Council on the Education of Disadvantaged Children is established under section 146 of the Elementary and Secondary Act (20 U.S.C. 2411). The Council is established to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children. The meeting is called for February 15 and 16 to review preliminary drafts for the annual report to the President and the Congress for March 31, 1973, and also to meet people from Capitol Hill, the White House Staff, and USOE regarding the hearings being held on the extension of ESEA to 1978, P.L. 93-39 and the school finance measure, H.R. 2716. Because of limited space for the public meetings of February 15 and 16 all persons wishing to address should call for reservations at Area Code 202/323-5221 by February 9.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located in Room 232, 1717 H Street NW., Washington, DC 20006.


Robert L. Loveless, Executive Director.

NATIONAL SCIENCE FOUNDATION

ADVISORY PANELS FOR NEUROBIOLOGY AND METABOLIC BIOLOGY

Notice of Closed Meetings

Pursuant to the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given of meetings of the following committees including the individuals to contact for further information respecting each committee. The purpose of each of these advisory bodies is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

ADVISORY PANEL FOR NEUROBIOLOGY

Date and time of meeting: 9 a.m., on February 12 and 13, 1973.

Location of meeting: Room 337; 1800 G Street NW., Washington, DC 20550.

Agenda: The agenda will be devoted to the review and evaluation of research proposals.

For further information, contact: Dr. James H. Brown, Program Director, National Science Foundation, Room 328, 1800 G St. NW., Washington, DC 20550.

ADVISORY PANEL FOR METABOLIC BIOLOGY

Date and time of meeting: 9 a.m., on February 15 and 16, 1973.

Location of meeting: Department of Biochemistry, Room 806-D, Baylor College of Medicine, Room 323, 1800 G Street NW., Washington, DC 20550.

Agenda: The agenda will be devoted to the review and evaluation of research proposals.

For further information, contact: Dr. Eljah B. Romanoff, Program Director, Metabolic Biology Program, Division of Biological and Medical Sciences, Room 328, 1800 G Street NW., Washington, DC 20550.

These meetings will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act.

T. E. Jenkins, Assistant Director for Administration.


SMALL BUSINESS ADMINISTRATION

COMINVEST OF HARTFORD, INC.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Cominvest of Hartford, 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). The officers and directors of the applicant are as follows:

Robert W. Boggs, Jr., 221 Girard Avenue, Hartford, CT 06105, President-Director.

Roger W. Brodsky, 46 Lynwood Road, Storrs, CT 06268, Secretary-Director.

Vernal R. Mendez, 43 Shipman Drive, Glastonbury, CT 06033, Vice President-General Manager-Director.

William G. Krause, Treasurer-Director.

Glenda L. Copes, Director, 97 Sharon Street, Hartford, CT 06112.

Milton L. Howard, Director, 21 Banbury Lane, Bloomfield, CT 06002.

Robert E. Stevens, Director, Keigley Pond Road, Cobalt, CT 06611.

The applicant, a Connecticut corporation, does not own the principal business located at 18 Asylum Street, Hartford, CT 06103, will begin operations with $309,119 of paid-in capital, consisting of 119 shares of common stock (issued at $1 a share and having all voting rights) and 600 shares of nonvoting common stock issued at $50 a share. Four directors will own 60 shares of common voting shares and the remaining 59 common voting shares as well as the 600 nonvoting shares will be owned by Cominvest of Hartford, Inc. (Bank), a mutual savings bank owned by its depositors. Three of the aforementioned directors are also officers of the Bank. No person or corporation owns 10 percent or more of any interest in the Bank.

Applicant will not concentrate its investments in any particular industry. 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 owners and management, and the probability of successful operation of the applicant under their 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 February 21, 1973, submit to SBA written comments on the proposed licensee. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW, Washington, DC 20415.

A copy of this notice shall be published in a newspaper of general circulation in Hartford, Conn.


DAVID A. WOLLARD,
Associate Administrator for Operations and Investment.

INTERSTATE COMMERCE COMMISSION
ASSIGNMENT OF HEARINGS


The proceedings designated below are assigned for hearing at 9:30 a.m., U.S. Standard Time, at the Office of the Interstate Commerce Commission, Washington, D.C., on the dates specified.

ROBERT L. OSWALD,
Secretary.


[FR Doc.73-2250 Filed 2-5-73;8:45 am]

ASSIGNMENT OF HEARINGS


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. No amendments will be entertained after the date of this publication.

MC 138143, Specialized Cartage, Inc., now being assigned hearing March 8, 1973 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 71458 Sub 29, O.N.C. Freight Systems, now being assigned hearing March 12, 1973 (1 week), at Los Angeles, Calif., in a hearing room to be later designated.

MC 154798 Sub 97, Continental Contract Carrier Corp., now being assigned hearing March 5, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 29886 Sub 285, Dallas & Morris Forwarding Co., now being assigned hearing March 12, 1973 (1 week) at Chicago, Ill., in a hearing room to be later designated.


MC 120618 Sub 2, A. V. Dedmon Trucking, Inc., now being assigned hearing March 19, 1973 (1 day), at Raliegh, N.C., in a hearing room to be later designated.

[FR Doc.73-2254 Filed 2-5-73;8:45 am]

NOTES

CORRECTION


[SEAL] ROBERT L. OSWALD, Secretary.

[FR Doc.73-2251 Filed 2-5-73;8:45 am]

[Notice 205]

Motor Carrier Board Transfer Proceedings

Synopsis 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 1133), appear below.

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following number- bered proceedings on or before February 26, 1973. 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.


[SEAL] ROBERT L. OSWALD, Secretary.
Iowa, under a continuing contract, or contracts with Nixon & Co., of Omaha, Neb. Patrick E. Quinn, 605 South 14th Street, Post Office Box 8208, Lincoln, NE 68501, attorney for applicants.

No. MC-FC-74117. By order of January 11, 1973, the Motor Carrier Board approved the transfer to Surf City, Trucking, Inc., Huntington Station, N.Y., of certificate of registration No. MC-99328 (Sub-No. 1) issued May 11, 1965, to Albert Cheminul, doing business as Aetna Express, Beacon Falls, Conn., evidencing a right to engage in transportation in interstate commerce corresponding in scope to motor common carrier certificate No. C-808, dated November 24, 1953, issued by the Public Utilities Commission of the State of Connecticut. William J. Meuser, 81 Broad Street, Milford, CT 06460, applicants' attorney.

No. MC-FC-74143. By order of January 11, 1973, the Motor Carrier Board approved the transfer to Surf City, Trucking, Inc., Huntington Station, N.Y., of certificate of registration No. MC-125883 (Sub-No. 2) issued November 10, 1971 to Distun, Inc., Huntington Station, N.Y., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 125883, issued December 29, 1970, by the Public Service Commission of New York. William J. Augello, Jr., 103 Fort Salonga Road, Northport, NY 11768, attorney for applicants.

[seal]

ROBERT I. OSWALD,
Secretary.

[FR Doc.73-2256 Filed 2-5-73; 8:45 am]
[Notice 11]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS


The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act as a common carrier, by motor vehicle, over irregular routes, transporting: * * *[Due to page length, the application notices are truncated for brevity.]

FEDERAL REGISTER, VOL. 38, NO. 24—TUESDAY, FEBRUARY 6, 1973

NOTICES

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1 Except as otherwise specifically noted, each application states that there will be no significant effect on the quality of the human environment resulting from approval of its application.
NOTICES

FOOD EXPRESS, INC., 111 North Ohio Avenue, Post Office Box 147, Ohio Building, Sidney, OH 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodi­ties, except those of unusual value, classes A and B explosives, household goods as described in section A(2) of Motor Carrier Regulations, and meat products, meat byproducts, and articles distributed by meat pack­houses (except hides and commodities in bulk), as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 206 and 766, from Hastings, Nebr., to points in New York, Connecticut, Delaware, New Jersey, Ohio, Pennsylvania, District of Columbia, Maryland, Massachusetts, Rhode Island, Virginia, Michigan, and Illinois, for 180 days. Supporting shipper: French Brand Distributors, Inc., 319 West Second Street, Hastings, NE 68901. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3108 Federal Office Building, 235 Summit Street, Toledo, OH 43604.

No. MC 110659 (Sub-No. 17 TA), filed January 18, 1973. Applicant: COMMERCIAL CARRIERS, INC., 975 Virginia Street, West, Box 6743, Charleston, WV 25302. Applicant's representative: John M. Friedmann, Post Office Box 3238, Charleston, WV 25321. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodi­ties, except those of unusual value, classes A and B explosives, household goods as described in section A(2) of Motor Carrier Regulations, and meat products, meat byproducts, and articles distributed by meat pack­houses (except hides and commodities in bulk), as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 206 and 766, from Hastings, Nebr., to points in the Lower Peninsula of Michigan, except Detroit and points in the Detroit, Mich., commercial zone, for 180 days. Supporting shipper: Owens-Ford Co., 811 Madison Avenue, Toledo, Ohio. Attention: Paul L. Wendt, Assistant Di­rector of Traffic. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrer Street, Charleston, WV 25301.


January 15, 1973. Applicant: SCHAEFF TRUCKING, INC., 5200 West Beltway Home Road, Glendale, AZ 85301. Applicant’s representative: George A. Olsen, 69 Tonne Avenue, Jersey City, NJ 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cosmetics, toilet preparations, perfume and soap (except in bulk) and materials and supplies used in the distribution and sale thereof, from Mountaing, Pa., to Denver, Colo., for 180 days. Supporting shipper: Dana Perfection Corp., Crestwood Park, Mountaing, Pa., 17077. Send protests to: Robert V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 125843 (Sub-No. 8 TA), filed January 19, 1973. Applicant: CRESCO LINES, INC., 13900 South Keebler Avenue, Cresswood, IL 60445. Applicant’s representative: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Pipe and pipe fittings and (2) the plantsite and warehouse facilities of Allied Tube & Conduit Corp., at Baltimore, Md., for 180 days. Supporting shipper: Anthony M. Santone, Director of Traffic, Allied Tube & Conduit Corp., Harvey, III. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 126278 (Sub-No. 74 TA), filed January 22, 1973. Applicant: FAST MOTOR SERVICE, INC., 12550 Ponderosa Drive, Palos Heights, IL 60463. Applicant’s representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Fiber drums, cores, tubes, and parts thereof, from Van Wert, Ohio, to points in Illinois, Indiana, Michigan, Missouri, Pennsylvania, West Virginia, and Wisconsin, for 180 days. Supporting shipper: David Kelly, Region Traffic Manager, Continental Can Co., 150 South Wacker Drive, Chicago, IL 60602. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

An applicable or supporting shipper must observe the following: 

NOTICES

No. MC 138258 TA, filed December 15, 1972. Applicant: JAMES D. WILCOX, 201 Depot Street, Boone, NC 28607. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Electrical parts and components having a prior or subsequent movement by air, between Lansing and/or Boone, N.C., and the Tri-City Airport at or near Blountville, Tenn., for 180 days. Supporting shippers: Sprague Electric Co., Lansing, N.C. 28543; TRW/IRC Fixed Resistors, Post Office Box 393, Boone, NC 28607. Send protests to: Frank H. Wait, Jr., Bureau of Operations, Interstate Commerce Commission, 316 East Morehead Street, Suite 417, BSR Building, Charlotte, NC 28202.

No. MC 138295 TA (Correction), filed January 5, 1973, published in the Federal Register January 23, 1973, corrected and republished in part as corrected this issue. Applicant: CYCLONE TRANSPORT, INC., 104 Black Hawk Street, Reinbeck, IA 50669. Applicant's representative: Larry D. Knox, Ninth Floor, Rubbell Building, Des Moines, Iowa 50309. Note: The purpose of this partial republication is to set forth in Part (3) the correct origin point as Grundy Center, Iowa, in lieu of Grundy Center, Nev., shown in error in previous publication. The rest of the application remains the same.

MOTOR CARRIERS OF PASSENGERS

No. MC 138316 TA, filed January 15, 1973. Applicant: FRANCISCO GAZRES, doing business as EL PASO-LOS ANGELES TRAVEL AGENCY, 10449 Mackinaw Street, El Paso, TX 79924. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage, between El Paso, Tex., and Los Angeles, Calif., over Interstate Highway 10, serving no intermediate points, for 180 days. Supporting shippers: Roberto Villalba, Bobolink Way, El Paso, Tex. 79922; Eleuterio Casas Perez, 6263 East Yandell Drive, El Paso, TX 79905; Bruno Y. Torres, 8557 Mount Etna Street, El Paso, TX 79904; Carmen Ramires, 3728 El Paso, TX 79930. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, TX 79101. By the Commission.

MOTOR CARRIER TRANSFER PROCEEDINGS

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 112:

No. MC-FC-74264. By application filed January 29, 1973, VALLEY TRANSIT CORP., 9001 West 79th Place, Justice, IL 60458, seeks temporary authority to lease the operating rights of WEST SUBURBAN TRANSIT LINES, INC., 600 East St. Charles Road, Post Office Box 227, Lombard, IL, under section 210a(b). The transfer to VALLEY TRANSIT CORP., of the operating rights of WEST SUBURBAN TRANSIT LINES, INC., is presently pending.

By the Commission.

By the Commission.

[seal] ROBERT L. OSWALD, Secretary.

[PR Doc.73-2255 Filed 2-5-73;8:45 am]

FEDERAL REGISTER, VOL. 38, NO. 24—TUESDAY, FEBRUARY 6, 1973
The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

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### TABLE 8 A

**Bonds Bearing Issue Dates from June 1 Through November 1, 1943**

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**Period after Second Extended Maturity (Beginning 30 Years after Issue Date)**

**Third Extended Maturity Value (40 Years after Issue Date)**

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</table>

**Second Extended Maturity Period (Beginning 15 Years and 6 Months After Issue Date)**

<table>
<thead>
<tr>
<th>Period after Second Extended Maturity</th>
<th>Approximate Investment Yield</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st year</td>
<td>5.50</td>
</tr>
<tr>
<td>2nd year</td>
<td>5.50</td>
</tr>
<tr>
<td>3rd year</td>
<td>5.50</td>
</tr>
<tr>
<td>4th year</td>
<td>5.50</td>
</tr>
<tr>
<td>5th year</td>
<td>5.50</td>
</tr>
<tr>
<td>6th year</td>
<td>5.50</td>
</tr>
<tr>
<td>7th year</td>
<td>5.50</td>
</tr>
<tr>
<td>8th year</td>
<td>5.50</td>
</tr>
<tr>
<td>9th year</td>
<td>5.50</td>
</tr>
<tr>
<td>10th year</td>
<td>5.50</td>
</tr>
<tr>
<td>11th year</td>
<td>5.50</td>
</tr>
<tr>
<td>12th year</td>
<td>5.50</td>
</tr>
<tr>
<td>13th year</td>
<td>5.50</td>
</tr>
<tr>
<td>14th year</td>
<td>5.50</td>
</tr>
<tr>
<td>15th year</td>
<td>5.50</td>
</tr>
<tr>
<td>16th year</td>
<td>5.50</td>
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<tr>
<td>17th year</td>
<td>5.50</td>
</tr>
<tr>
<td>18th year</td>
<td>5.50</td>
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<tr>
<td>19th year</td>
<td>5.50</td>
</tr>
<tr>
<td>20th year</td>
<td>5.50</td>
</tr>
<tr>
<td>21st year</td>
<td>5.50</td>
</tr>
<tr>
<td>22nd year</td>
<td>5.50</td>
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<tr>
<td>23rd year</td>
<td>5.50</td>
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<td>24th year</td>
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<td>25th year</td>
<td>5.50</td>
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<tr>
<td>26th year</td>
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<tr>
<td>27th year</td>
<td>5.50</td>
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<tr>
<td>28th year</td>
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<tr>
<td>29th year</td>
<td>5.50</td>
</tr>
<tr>
<td>30th year</td>
<td>5.50</td>
</tr>
</tbody>
</table>
### TABLE 33 A

**BONDS BEARING ISSUE DATES FROM OCTOBER 1 THROUGH NOVEMBER 1, 1953**

<table>
<thead>
<tr>
<th>Issue price</th>
<th>$18.75</th>
<th>$37.50</th>
<th>$56.25</th>
<th>$75.00</th>
<th>$150.00</th>
<th>$375.00</th>
<th>$750.00</th>
<th>$7500.00</th>
<th>$75,000.00</th>
<th>$1,000,000</th>
<th>$10,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denomination</td>
<td>25.00</td>
<td>50.00</td>
<td>75.00</td>
<td>100.00</td>
<td>200.00</td>
<td>500.00</td>
<td>1,000.00</td>
<td>10,000</td>
<td>100,000</td>
<td>1,000,000</td>
<td>10,000,000</td>
</tr>
<tr>
<td>Period after extended maturity</td>
<td>$131.20</td>
<td>$262.40</td>
<td>$393.60</td>
<td>$524.80</td>
<td>$1049.60</td>
<td>$2099.20</td>
<td>$4198.40</td>
<td>$8396.80</td>
<td>$16793.60</td>
<td>$33587.20</td>
<td>$67174.40</td>
</tr>
<tr>
<td>(1) Redemption values during each half-year period (values increase on first day of period shown)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) From beginning of second extended maturity period to beginning of next half-year period</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) From beginning of each half-year period to extended maturity</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) From beginning of each half-year period to extended maturity</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) This table does not apply if the prevailing rate for Series E bonds being issued at the time the second extension begins is different from 5.50 percent.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

### TABLE 76 A

**BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1965**

<table>
<thead>
<tr>
<th>Issue price</th>
<th>$18.75</th>
<th>$37.50</th>
<th>$56.25</th>
<th>$75.00</th>
<th>$150.00</th>
<th>$375.00</th>
<th>$750.00</th>
<th>$7500.00</th>
<th>$75,000.00</th>
<th>$1,000,000</th>
<th>$10,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denomination</td>
<td>25.00</td>
<td>50.00</td>
<td>75.00</td>
<td>100.00</td>
<td>200.00</td>
<td>500.00</td>
<td>1,000.00</td>
<td>10,000</td>
<td>100,000</td>
<td>1,000,000</td>
<td>10,000,000</td>
</tr>
<tr>
<td>Period after original maturity (beginning 7 years 9 months after issue date)</td>
<td>$298.00</td>
<td>$596.00</td>
<td>$894.00</td>
<td>$1192.00</td>
<td>$2384.00</td>
<td>$4768.00</td>
<td>$9536.00</td>
<td>$19072.00</td>
<td>$38144.00</td>
<td>$76288.00</td>
<td></td>
</tr>
<tr>
<td>EXTENDED MATURITY PERIOD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First half year</td>
<td>23/1/73</td>
<td>45.45</td>
<td>90.90</td>
<td>136.35</td>
<td>181.80</td>
<td>363.60</td>
<td>727.20</td>
<td>1454.40</td>
<td>1932.60</td>
<td>3865.20</td>
<td>7730.40</td>
</tr>
<tr>
<td>9 months</td>
<td>24/1/73</td>
<td>45.45</td>
<td>90.90</td>
<td>136.35</td>
<td>181.80</td>
<td>363.60</td>
<td>727.20</td>
<td>1454.40</td>
<td>1932.60</td>
<td>3865.20</td>
<td>7730.40</td>
</tr>
<tr>
<td>1 to 1 year</td>
<td>25/1/73</td>
<td>45.45</td>
<td>90.90</td>
<td>136.35</td>
<td>181.80</td>
<td>363.60</td>
<td>727.20</td>
<td>1454.40</td>
<td>1932.60</td>
<td>3865.20</td>
<td>7730.40</td>
</tr>
<tr>
<td>1 to 2 years</td>
<td>26/1/73</td>
<td>45.45</td>
<td>90.90</td>
<td>136.35</td>
<td>181.80</td>
<td>363.60</td>
<td>727.20</td>
<td>1454.40</td>
<td>1932.60</td>
<td>3865.20</td>
<td>7730.40</td>
</tr>
<tr>
<td>1 to 3 years</td>
<td>27/1/73</td>
<td>45.45</td>
<td>90.90</td>
<td>136.35</td>
<td>181.80</td>
<td>363.60</td>
<td>727.20</td>
<td>1454.40</td>
<td>1932.60</td>
<td>3865.20</td>
<td>7730.40</td>
</tr>
<tr>
<td>1 to 4 years</td>
<td>28/1/73</td>
<td>45.45</td>
<td>90.90</td>
<td>136.35</td>
<td>181.80</td>
<td>363.60</td>
<td>727.20</td>
<td>1454.40</td>
<td>1932.60</td>
<td>3865.20</td>
<td>7730.40</td>
</tr>
<tr>
<td>1 to 5 years</td>
<td>29/1/73</td>
<td>45.45</td>
<td>90.90</td>
<td>136.35</td>
<td>181.80</td>
<td>363.60</td>
<td>727.20</td>
<td>1454.40</td>
<td>1932.60</td>
<td>3865.20</td>
<td>7730.40</td>
</tr>
<tr>
<td>1 to 6 years</td>
<td>30/1/73</td>
<td>45.45</td>
<td>90.90</td>
<td>136.35</td>
<td>181.80</td>
<td>363.60</td>
<td>727.20</td>
<td>1454.40</td>
<td>1932.60</td>
<td>3865.20</td>
<td>7730.40</td>
</tr>
<tr>
<td>1 to 7 years</td>
<td>31/1/73</td>
<td>45.45</td>
<td>90.90</td>
<td>136.35</td>
<td>181.80</td>
<td>363.60</td>
<td>727.20</td>
<td>1454.40</td>
<td>1932.60</td>
<td>3865.20</td>
<td>7730.40</td>
</tr>
<tr>
<td>1 to 8 years</td>
<td>32/1/73</td>
<td>45.45</td>
<td>90.90</td>
<td>136.35</td>
<td>181.80</td>
<td>363.60</td>
<td>727.20</td>
<td>1454.40</td>
<td>1932.60</td>
<td>3865.20</td>
<td>7730.40</td>
</tr>
<tr>
<td>1 to 9 years</td>
<td>33/1/73</td>
<td>45.45</td>
<td>90.90</td>
<td>136.35</td>
<td>181.80</td>
<td>363.60</td>
<td>727.20</td>
<td>1454.40</td>
<td>1932.60</td>
<td>3865.20</td>
<td>7730.40</td>
</tr>
<tr>
<td>1 to 10 years</td>
<td>34/1/73</td>
<td>45.45</td>
<td>90.90</td>
<td>136.35</td>
<td>181.80</td>
<td>363.60</td>
<td>727.20</td>
<td>1454.40</td>
<td>1932.60</td>
<td>3865.20</td>
<td>7730.40</td>
</tr>
<tr>
<td>EXTENDED MATURITY VALUE (17 years and 9 months from issue date)</td>
<td>45.45</td>
<td>90.90</td>
<td>136.35</td>
<td>181.80</td>
<td>363.60</td>
<td>727.20</td>
<td>1454.40</td>
<td>1932.60</td>
<td>3865.20</td>
<td>7730.40</td>
<td></td>
</tr>
</tbody>
</table>

This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 5.50 percent.

* Yields on purchase price from issue date to extended maturity date is 4.37 percent.

---

1. This table does not apply if the prevailing rate for Series E bonds being issued at the time the second extension begins is different from 5.50 percent.
2. Month, day, and year on which issues of June 1, 1965, enter each period. For subsequent issue months add the appropriate number of months.
3. Yield on purchase price from issue date to extended maturity date is 5.05 percent.

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**FEDERAL REGISTER, VOL. 38, NO. 24—TUESDAY, FEBRUARY 6, 1973**
## TABLE 78 A

**BOND BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1966**

<table>
<thead>
<tr>
<th>Issue price</th>
<th>$18.75</th>
<th>$37.50</th>
<th>$56.25</th>
<th>$75.00</th>
<th>$150.00</th>
<th>$375.00</th>
<th>$750.00</th>
<th>$7,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denomination</td>
<td>25.00</td>
<td>50.00</td>
<td>75.00</td>
<td>100.00</td>
<td>200.00</td>
<td>500.00</td>
<td>1,000.00</td>
<td>10,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Issue price</th>
<th>$18.75</th>
<th>$37.50</th>
<th>$56.25</th>
<th>$75.00</th>
<th>$150.00</th>
<th>$375.00</th>
<th>$750.00</th>
<th>$7,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denomination</td>
<td>25.00</td>
<td>50.00</td>
<td>75.00</td>
<td>100.00</td>
<td>200.00</td>
<td>500.00</td>
<td>1,000.00</td>
<td>10,000</td>
</tr>
</tbody>
</table>

### Approximate investment yield (annual percentage rate)

- 1st 1/2 year: 5.49%
- 1/2 to 1 year: 5.50%
- 1 to 2 years: 5.51%
- 2 to 3 years: 5.52%
- 3 to 4 years: 5.53%
- 4 to 5 years: 5.54%
- 5 to 6 years: 5.55%
- 6 to 7 years: 5.56%
- 7 to 8 years: 5.57%
- 8 to 9 years: 5.58%
- 9 to 10 years: 5.59%
- 10 to 11 years: 5.60%

### Table 78 A

#### Periods after original maturity (beginning
- 7 years after issue date)

| Period | First 1/2 year | 1/2 to 1 year | 1 to 2 years | 2 to 3 years | 3 to 4 years | 4 to 5 years | 5 to 6 years | 6 to 7 years | 7 to 8 years | 8 to 9 years | 9 to 10 years | 10 to 11 years |
|--------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|
|        | $23.92   | $27.27   | $29.12   | $29.50   | $30.40   | $31.34   | $32.30   | $33.00   | $34.00   | $34.00   | $34.00   | $34.00   | $34.00   |
| Percent | 5.60     | 5.75     | 5.85     | 5.90     | 5.95     | 5.96     | 5.97     | 5.97     | 5.97     | 5.97     | 5.97     | 5.97     | 5.97     |

#### Extended Maturity Period

| Period | First 1/2 year | 1/2 to 1 year | 1 to 2 years | 2 to 3 years | 3 to 4 years | 4 to 5 years | 5 to 6 years | 6 to 7 years | 7 to 8 years | 8 to 9 years | 9 to 10 years | 10 to 11 years |
|--------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|
|        | $25.92   | $27.27   | $29.12   | $29.50   | $30.40   | $31.34   | $32.30   | $33.00   | $34.00   | $34.00   | $34.00   | $34.00   | $34.00   |
| Percent | 5.60     | 5.75     | 5.85     | 5.90     | 5.95     | 5.96     | 5.97     | 5.97     | 5.97     | 5.97     | 5.97     | 5.97     | 5.97     |

#### Notes

1. This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 5.50 percent.
2. Yield on purchase price from issue date to extended maturity date is 5.16 percent.
3. Month, day, and year on which issues of June 1, 1966, enter each period. For subsequent issue months add the appropriate number of months.
CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 185—EMERGENCY SCHOOL AID

Notice of propose rule making was published in the Federal Register on December 2, 1972, at 37 FR 26746, setting forth specific requirements for the award of assistance to local educational agencies and other public or nonprofit private agencies, institutions, or organizations under sections 706 and 708(b) of the Emergency School Aid Act (Subparts B, C, and G of the proposed regulation) and general provisions for the administration of programs under the Act (Subparts A, E, and K of the proposed regulation). Comments were received with respect to the faculty ratio requirement of integrated schools projects (§ 185.11(d)(2)(ii)), the definition of "additional cost" (§ 185.13(a)), the amount of data required from applicant local educational agencies (§§ 185.13, 185.63(b)(3)), the inclusion of Public Law 81–874 assistance in computing applicant's maintenance of effort (§ 185.11(d)(2)(i)), and the weight assigned to objective factors in evaluating local educational agencies' applications for basic grants and pilot projects (§ 185.14). The following changes were made:

1. Section 185.13(k)(2) has been amended so that a local educational agency need not include funds received as to the amount of information required to be submitted by applicants pursuant to § 185.13. This information is necessary for a determination as to whether applicants are in compliance with various statutory requirements. However, § 185.13(k) has been amended by deleting subparagraph (2), on the ground that the special data required therein does not materially assist in making the required determination as to compliance with § 710(a)(10)(A) of the Act.

2. Section 185.24(a) has been amended to reduce the weight given to "effective net reduction of minority group isolation" in rating applications by local educational agencies for pilot projects. Since such projects are desired for students in minority group isolated schools where reduction or elimination of such isolation is difficult or impossible, a maximum of 30 points, rather than 60, will be awarded to applicants for such assistance on the basis of their district-wide efforts to reduce or eliminate such isolation. A number of commenters urged that a similar change be made with respect to basic grants, but the emphasis in § 185.13(k) on reduction of isolation, and the importance of such reduction in determining the need for basic grant assistance, made such a revision inadvisable.

3. A number of comments were received as to the amount of information required to be submitted by applicants pursuant to § 185.13. This information is necessary for a determination as to whether applicants are in compliance with various statutory requirements. However, § 185.13(k) has been amended by deleting subparagraph (2), on the ground that the special data required therein does not materially assist in making the required determination as to compliance with § 710(a)(10)(A) of the Act.

4. Section 185.24(a) has been amended to reduce the weight given to "effective net reduction of minority group isolation" in rating applications by local educational agencies for pilot projects. Since such projects are desired for students in minority group isolated schools where reduction or elimination of such isolation is difficult or impossible, a maximum of 30 points, rather than 60, will be awarded to applicants for such assistance on the basis of their district-wide efforts to reduce or eliminate such isolation. A number of commenters urged that a similar change be made with respect to basic grants, but the emphasis in § 185.13(k) on reduction of isolation, and the importance of such reduction in determining the need for basic grant assistance, made such a revision inadvisable.

5. Section 185.41(b) has been amended to clarify the requirement that the "minutes" of the required public hearing be submitted with a local educational agency's application for assistance. Such minutes need not be a verbatim transcript of the hearing, but must include, at a minimum, the time, date, and location of the hearing, the number of persons in attendance, and a brief summary of the views expressed.

6. Section 185.41(c)(2) has been amended to require applicant local educational agencies to consult with the appropriate teachers' organization before selecting teachers to serve on the Assistant Secretary's advisory committee, and to authorize such agencies to delegate such selections to the appropriate organization.

7. Section 185.41(c)(4) has been amended to permit adult members of district-wide advisory committees to select more than the minimum number of secondary school students to serve on the committee, and § 185.41(h) has been amended to allow members of student advisory committees formed after the award of assistance to select additional student members and write a report to the Assistant Secretary, and are urged to make available to members of the general public such eligibility and compliance information as will not violate individuals' rights of privacy or confidentiality.

8. Section 185.41(d)(1) has been amended to allow educational agencies an opportunity to reply to comments or criticisms made by a district-wide advisory committee at a hearing with the Assistant Secretary or his designee.

9. Sections 185.41(g) and 185.65(c) have been amended to require participation by the district-wide advisory committee in the development of any amendment to certain cases and arrange for the program, project, or activity.

10. The definition in § 185.42(b)(2) of an "equitable basis" for participation of nonpublic school students and faculty members in a local educational agency's program, project, or activity has been amended to make it clear that the special needs served in nonpublic nonprofit elementary and secondary schools may be or not be identical to those served in the public schools.

11. The restriction in § 185.42(h) on payment, with funds awarded under the Act, of wages or other employees of nonpublic schools has been reworded to indicate that compensation of such persons for services performed after school hours while not under the direction of the school may be permissible in appropriate cases.

12. In § 185.42(i), the provision that the Assistant Secretary "may" waive the nonpublic school participation requirement for a program, project, or activity as set forth in the Act has been amended to provide that the Assistant Secretary "shall" do so, in order to conform to the statutory language.

13. Section 185.43(a)(1) has been amended so that educational agencies, in transferring property or services, need not obtain articles of incorporation or similar documents from transferees if such agencies can be satisfied from the legal name and address of the transferee (or its principal) that they are not dealing with a nonpublic school or school system or a person or organization controlling, operating, or intending to establish such a school or school system.

B—OTHER CHANGES

1. Section 185.41(h) has been amended to require that student advisory committees be established by local educational agencies not more than 60 days after the award of assistance or 15 days after the commencement of the academic year for which assistance is awarded, whichever is later.

2. The exception to § 185.42(c)(1) for testing for assignments to remedial language classes has been eliminated because the inclusion of English-dominant children in such classes is inappropriate and because such classes, in any event, would not normally account for more
than 25 per centum of the school day classroom periods.

3. Section 185.45 has been amended to make it clear that the provisions as to termination of assistance apply to all recipients of assistance under the Act, except those awarded evaluation contracts under section 713.

Appendix A, Grant Terms and Conditions, has been amended to apply to assistance contracts as well as grants.

C—SUMMARY OF COMMENTS

1. A number of commenters questioned the requirement of § 185.11(d) (2) (i) that "integrated schools" established or maintained under the Act have faculties in which the proportion of minority group members is within 10 per centum of the percentage of minority group members residing in the school district served by the applicant or, in certain cases, within 10 per centum of the ratio on the applicant's faculty as a whole. The subdivision in question does not apply to all local educational agencies applying for assistance, but only to those seeking to establish or maintain one or more integrated schools pursuant to § 185.11(d). The faculty assignment requirement embodied in the definition of an "integrated school" set forth in section 713 of the Act. It should be understood, however, that the subdivision in question does not apply to all local educational agencies applying for assistance, but only to those seeking to establish or maintain one or more integrated schools pursuant to § 185.11(d).

2. A number of commenters felt that the criteria set forth in § 185.14 fail to take account of local educational agencies which have not previously desegregated or reduced minority group isolation, or which have desegregated minority group isolation, or which have done so on a relatively small scale.

3. Section 185.13 has been amended to correct a clerical error and to reward needs assessment related to prevention of minority group isolation. Local educational agencies which have implemented an effective desegregation program or action, or which now are in need of assistance to combat resegregation, can apply for a waiver of the requirement of § 185.14 for the effective net reduction of minority group isolation which they have already accomplished. Such agencies which have not previously desegregated or reduced minority group isolation, or which have done so on a relatively small scale, may also apply for prevention projects, but their need for such assistance, as measured pursuant to § 185.14(a) (2), will be measured pursuant to § 185.14(a) (1).

4. A number of commenters felt that the criteria set forth in § 185.14 fail to take account of local educational agencies which have not previously desegregated or reduced minority group isolation, or which have done so on a relatively small scale.

5. A number of commenters objected to the requirement of §§ 185.41(c) (1) and 185.65(b) (1) that applicants designate an advisory, group, or community organization to select members of the applicant's district-wide advisory committee. A similar requirement was included in the regulation for the Emergency School Assistance Program (35 FR 13442, 36 FR 16546), and proved effective in that the required advisory committees were representative of the community to be served. The required reliance upon civic and community organizations is the most effective method of achieving the statutory objective of involvement of "representatives of the area to be served" (section 710(a) (3) of the Act).

6. A number of comments were received objecting to the requirement of § 185.61(d) (1) that local educational agencies establish student advisory committees in secondary schools assisted under § 185.11(d) (1) (ii), and that the student advisory committee requirement is the most effective means of insuring such participation, in furtherance of the objectives of section 710(a) (3) of the Act. Such committees have been effective vehicles for student involvement under the emergency school assistance program.

7. A number of comments were received objecting to the effect that State educational agencies have not been given a meaningful role in the application and funding process. Pursuant to the Act, State educational agencies are provided an opportunity to comment to the application of the Assistant Secretary in the case of applications under Subparts B and C (§ 185.13(f) (1)), and to the Assistant Secretary in the case of applications under Subpart G (§ 185.63(b) (1)). The Assistant Secretary intends to accord such comments great weight in making decisions as to the award of assistance, and has also invited State educational agencies to participate in providing leadership and obtaining assistance to applicants and grantees and in monitoring programs, projects, and activities assisted under the Act. In addition, State educational agencies may be eligible to apply for assistance under subpart G for programs, projects, or activities related to local educational agencies implementing eligible plans.

8. A number of comments were received objecting to the requirement that a request by a local educational agency is required before a public or nonprofit private applicant can be assisted to support the development of a plan or project described in § 185.11. While the regulation, in §§ 185.63(b) (3), 185.64(b) (1), and 185.64(b) (3) (i) (a), rewards such applicants for efforts to cooperate and coordinate with the appropriate local educational agency, there was no basis for a determination that no program or activity under Subpart G could succeed without being initially requested by the local educational agency.

9. A number of comments were received objecting to the requirement that the regulations as to the threshold for an application which is reviewed by the Assistant Secretary in the case of applications under Subparts B and C and in the case of applications under Subpart G (§ 185.63(b) (3)). The Assistant Secretary intends to accord such comments great weight in making decisions as to the award of assistance, and has also invited State educational agencies to participate in providing leadership and obtaining assistance to applicants and grantees and in monitoring programs, projects, and activities assisted under the Act. In addition, State educational agencies may be eligible to apply for assistance under subpart G, for programs, projects, or activities related to local educational agencies implementing eligible plans.

10. A number of other comments were received regarding such matters as public hearings (§ 185.41(b) (v)), the provisions of § 185.11(c) (3) for a veto power over Subpart G applications, while the Assistant Secretary strongly encourages such cooperation and coordination between local educational agencies and public or nonprofit private applicants, the Act has not been interpreted to give local educational agencies a "veto" power over Subpart G applications. This authority is reserved for the Assistant Secretary in the case of applications under Subpart G. The Assistant Secretary intends to accord such comments great weight in making decisions as to the award of assistance, and has also invited State educational agencies to participate in providing leadership and obtaining assistance to applicants and grantees and in monitoring programs, projects, and activities assisted under the Act.
12. A number of inquiries were received as to whether the definition of "additional cost" in § 185.13(a) excludes assistance for any indirect costs associated with a proposed program, project, or activity. The regulatory definition does not necessarily exclude such costs, but requires them to be actual, incremental costs attributable to the program, project, or activity to be assisted. The allowability of claimed indirect costs will be determined on a case-by-case basis in the light of § 185.13(a).

After consideration of the above comments and consultation with the National Advisory Council on Equality of Educational Opportunity as set forth in section 716 of the Act, Part 185 of Title 45 of the Code of Federal Regulations as proposed is hereby adopted.

Federal financial assistance provided pursuant to the Emergency School Aid Act is subject to the provisions in Part 45 of the CFR as noted, by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Such assistance is also subject to Title IX of the Education Amendments of 1972 (20 U.S.C. 1681).

Effective date. As appears from the above summary, the modifications herein do not involve any changes of a substantial nature from the provisions which were published in the Federal Register on December 2, 1972, as proposed rule making. Accordingly, this regulation shall be effective on February 6, 1973.

Date: January 29, 1973.

S. P. MARLAND, JR.,
Assistant Secretary
for Education.


FRANK C. CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Subpart A—Purpose

Sec. 185.01 Purpose. 185.02 Definitions. 185.03 General terms and conditions. 185.04-185.10 [Reserved]

Subpart B—Basic Grants

185.11 Eligibility for assistance. 185.12 Authorized activities. 185.13 Applications. 185.14 Criteria for assistance. 185.15-185.20 [Reserved]

Subpart C—Pilot Projects

185.31 Eligibility for assistance. 185.32 Authorized activities. 185.33 Applications. 185.34 Criteria for assistance. 185.35-185.30 [Reserved]

Subpart D—Metropolitan Area Projects

185.31-185.40 [Reserved]

Subpart E—General Requirements for Educational Agencies

185.41 Advisory committees. 185.42 Participation of children enrolled in nonpublic schools. 185.43 Limitations on eligibility. 185.44 Waiver of ineligibility.

Subpart F—Bilingual Projects

185.51-185.60 [Reserved]

Subpart G—Public or Nonprofit Private Organizations

185.61 Eligibility for assistance. 185.62 Authorized activities. 185.63 Applications. 185.64 Criteria for assistance. 185.65 Advisory committees. 185.66-185.70 [Reserved]

Subpart H—Educational Television

185.71-185.80 [Reserved]

Subpart I—Evaluation

185.81-185.90 [Reserved]

Subpart J—Special Projects

185.91-185.94 [Reserved]

APPENDIX A—Grant Terms and Conditions

Authority: Except as specifically noted below, the provisions of this Part 185 are issued under Title VII of Public Law 92-318, 86 Stat. 364-771 (20 U.S.C. 1601-1619).

Subpart A—Purpose

§ 185.01 Purpose.

Programs, projects, or activities assisted under the Act shall be for the purpose of achieving one or more of the following objectives:

(a) Meeting the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

(b) Eliminating, reducing, or preventing minority group isolation in elementary and secondary schools with substantial proportions of minority group students;

(c) Aiding school children in overcoming the educational disadvantages of minority group isolation.

(Public Law 92-318, section 702(b))

§ 185.02 Definitions.

Except as otherwise specified, the following definitions shall apply to the terms used in this part:

(a) The term "Assistant Secretary" means the Assistant Secretary of Health, Education, and Welfare for Education.

(b) The term "primary school" means a day or residential school which provides elementary education, as determined under State law.

(Public Law 92-318, section 720(1))

(c) The term "program" means a day or residential school which provides elementary education, as determined under State law.

(Public Law 92-318, section 720(1))

(d) The term "institution of higher education" means an educational institution in any State which:

(1) Admits students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized within such State to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's degree; or

(4) Provides an educational program which is equivalent to full credit toward such a degree, or offers a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semi-professional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(5) Is a public or other nonprofit institution; and

(6) Is accredited by a nationally recognized accrediting agency or association listed by the Commissioner of Education for the purposes of this paragraph.

(Public Law 92-318, section 720(5))

(f) The term "minority group" refers to (i) persons who are Negro, American Indian, Spanish surname, Asian, or Pacific Island nationalities (including both Americans and non-Americans) and (ii) other persons who are found to be substantially different in culture and language from the educational establishment.

(d) The term "disadvantaged" means an individual, or group of individuals, who are significantly below the educational level of the general population of the same age and income level.

(Public Law 92-318, section 720(2)(c))

The term "qualified student" includes persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

(Public Law 92-318, section 720(9))
(g) The terms "minority group isolated school" and "minority group isolation" in reference to a school mean a school and condition, respectively, in which minority group children constitute more than 50 percent of the enrollment of a school.
(Public Law 92-318, section 720(10))

(h) The term "secondary school" means a day or residential school which provides secondary education, as determined under regulations, except that it does not include any education provided beyond grade 12.
(Public Law 92-318, section 720(12))

(i) The term "State" means one of the 50 States or the District of Columbia. For purposes of section 708(a) of the Act, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be deemed to be States.
(Public Law 92-318, section 720(14))

(j) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for such purpose.
(Public Law 92-318, section 720(15))

(k) The term "desegregation" means the complete elimination of minority group isolation in all the minority group isolated schools of such agency. The term "complete elimination of minority group isolation," for purposes of this subparagraph, refers to a condition in which no school operated by a local educational agency has or will have (upon implementation of such plan) a minority group enrollment of more than 50 percent, where (prior to the implementation of such plan) a minority group enrollment is reduced from a proportion of 50 percent or less.
(Public Law 92-318, section 720(a)(1)(A))

(l) Nonrequired plans. (1) A local educational agency may apply for assistance under this subpart if it has adopted and is implementing, or will, if assistance is made available to it under this subpart, adopt and implement, a plan to prevent minority group isolation reasonably likely to occur (in the absence of assistance under this subpart) in any school operated by such agency at which school enrollment because of nonresidence in the school district of such school, or in any other State agency or official of competent jurisdiction, means a school, agency, or other State agency or official authorized pursuant to State law to issue such an order.
(Public Law 92-318, section 720(a)(1)(A))

(2) A local educational agency may apply for assistance under this subpart if it is implementing a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the elimination of minority group isolated schools of such agency.
(Public Law 92-318, section 708(a)(1)(A))

(3) A local educational agency may apply for assistance under this subpart if it has adopted and is implementing, or will, if assistance is made available to it under this subpart, adopt and implement, a plan to prevent minority group isolation reasonably likely to occur (in the absence of assistance under this subpart) in any school operated by such agency at which school enrollment because of nonresidence in the school district of such school, or in any other State agency or official of competent jurisdiction, means a school, agency, or other State agency or official authorized pursuant to State law to issue such an order.

(4) A local educational agency may apply for assistance under this subpart if, without having done so, it has adopted and is implementing, or will, if assistance is made available to it under this subpart, adopt and implement, a plan to prevent minority group isolation reasonably likely to occur (in the absence of assistance under this subpart) in any school operated by such agency at which school enrollment because of nonresidence in the school district of such school, or in any other State agency or official of competent jurisdiction, means a school, agency, or other State agency or official authorized pursuant to State law to issue such an order.

(5) A local educational agency shall be deemed to have adopted and implemented a plan described in this paragraph without having been required to do so, if such plan has not been undertaken pursuant to a final court order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, or has not been required and approved by the Secretary under title VI of the Civil Rights Act of 1964, notwithstanding the fact that such plan may be required by, or such local educational agency may be implementing pursuant to, the Constitution and laws of the United States or of any State.
(Public Law 92-318, sections 708(a)(1)(B), (C), and (D), 720(10))

(c) Implementation of a plan. (1) For purposes of determining eligibility for assistance under this subpart, a local educational agency shall be deemed to be implementing a plan if it is operating its school system in accordance with the requirements of such plan. The eligibility of a local educational agency for consideration under the Act shall not be affected.
§ 185.12 Authorized activities.

(a) The following activities are authorized to be carried out with financial assistance made available under this subpart when such activities would not otherwise be funded and are designed to carry out the purposes described in § 185.01.

(b) The activities authorized under paragraphs (a)(10) and (11) of this section shall be assisted only as part of, and in conjunction with, a comprehensive educational program, project, or activity described in § 185.01.

(1) Planning programs, projects, or activities assisted under this subpart when such activities would not otherwise be funded and are designed to carry out the purposes described in § 185.01.

(2) The provision of additional professional or other staff members (including maintenance and other appropriate governmental unit for which such information is available), or (b) where the percentage of minority group teachers, supervisors, and administrators, taken together, has increased by 10 percent or more over the 3 fiscal years immediately preceding the year or years for which assistance is sought under this paragraph, the percentage of such personnel is within 10 percent of the percentage which exists in the faculty of such agency as a whole.

(3) Remedial services, beyond those provided under the regular school program and otherwise be funded and are designed to meet the special needs of children (including gifted and talented children) in schools which are affected by a court order or when services are deemed necessary to the success of such plan or project.

(4) Repair or minor remodeling, or alteration of existing school facilities or activities authorized under paragraph (a) (12) of this section.

(5) Comprehensive guidance, counseling, and other personal services for children in schools affected by a plan or project described in § 185.01.

(6) The development and use of new curricula and instructional methods, practices, and techniques (and the acquisition of instructional materials relating thereto) to support a program of instruction for children from all racial, ethnic, and economic backgrounds, including instruction in the language and cultural heritage of minority groups.

(7) Educating programs using shared facilities for career education and other specialized activities.

(8) Innovative interracial educational programs or projects involving the joint participation of minority group children and other children attending different schools, including extracurricular activities and cooperative exchanges or other arrangements between schools within the appropriate governmental unit.

(9) Community activities, including public information efforts in support of programs, projects, or activities otherwise authorized by this section.

(10) Administrative and auxiliary services to facilitate the success of the program, project, or activity assisted under this subpart.

(11) Planning programs, projects, or activities assisted under this subpart, the evaluation of such programs, projects, or activities, and dissemination of information with respect to such programs, projects, or activities.

(12) Repair or minor remodeling, or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of instructional equipment, the purchase of mobile classroom units or other mobile education facilities.

(13) The term "repair or minor remodeling or alteration," for purposes of paragraph (a) (12) of this section, means the making over or remaking, in a previously complete building or facility, of space used or to be used for activities otherwise authorized by this section, preference in recruiting and hiring teacher aides shall be given to parents of children attending schools assisted under the Act.

(14) The term "repair or minor remodeling or alteration," for purposes of paragraph (a) (12) of this section, sections 706(a)(12), 729(a), 729(b) and (c).
§ 185.13 Applications.

An applicant desiring to receive assistance under this subpart for any fiscal year shall submit to the Assistant Secretary an application therefor for that fiscal year, which application shall forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use the funds received under this subpart only for the activities set forth in § 185.12. Such application, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Assistant Secretary. Such application shall contain the following:

(a) Additional cost. An assurance that funds paid to the applicant under such application will be used solely to pay the additional cost to the applicant in carrying out the program, project, or activity described in the application, and that the funds received by the applicant are administered and controlled by the applicant; and that any funds paid to the applicant under such application will be administered and controlled by the applicant.

(b) Administration by applicant. An assurance that the program for which assistance is sought will be administered by the applicant, and that any property received by the applicant under the Act, and any property derived therefrom, will remain under the administration and control of the applicant.

(c) Unavailability of non-Federal funds. An assurance that the applicant is not reasonably able to provide, out of non-Federal sources, the assistance for which application is made

(d) Evaluation. An assurance that the applicant will cooperate with the Assistant Secretary or any State educational agency, institution of higher education, or private organization, institution, or agency, including a committee established pursuant to § 185.41(a), in the evaluation by the Assistant Secretary of such agencies, institutions, or organizations of specific plans, programs, projects, or activities assisted under the Act.

Such evaluations may require the establishment or maintenance of control groups or schools, and may include a reasonable number of interviews with, or questionnaires, achievement tests, and other evaluations administered to, administrators, principals, teachers, students, program or project staff, and community members at reasonable times and places. Such evaluations shall consider fulfillment of the requirements for local evaluation under paragraph (k)(1) of this section.

(4) Administration by applicant. An assurance that the program for which assistance is sought will be administered by the applicant, and that any funds paid to the applicant under such application will be administered by the applicant.

(5) Unavailability of non-Federal funds. An assurance that the applicant is not reasonably able to provide, out of non-Federal sources, the assistance for which application is made.

(6) Evaluation. An assurance that the applicant will cooperate with the Assistant Secretary or any State educational agency, institution of higher education, or private organization, institution, or agency, including a committee established pursuant to § 185.41(a), in the evaluation by the Assistant Secretary of such agencies, institutions, or organizations of specific plans, programs, projects, or activities assisted under the Act. Such evaluations may require the establishment or maintenance of control groups or schools, and may include a reasonable number of interviews with, or questionnaires, achievement tests, and other evaluations administered to, administrators, principals, teachers, students, program or project staff, and community members at reasonable times and places. Such evaluations shall consider fulfillment of the requirements for local evaluation under paragraph (k)(1) of this section.

(7) Maintenance of effort. (1) An assurance that the fiscal efforts of the applicant, to the extent consistent with such other law; and a statement of procedures employed by the applicant to coordinate its proposed program, project, or activity under the Act with projects conducted pursuant to Titles I, III, and VII of the Elementary and Secondary Education Act of 1965 and Title IV of the Civil Rights Act of 1964. Coordination, with respect to the assurance required by this paragraph, includes the following policies or procedures:

(a) Taking all practicable steps to obtain Federal assistance under any other law of the United States for which the applicant has not reduced its fiscal effort for the provision of free public education for children in attendance at its schools for the fiscal year or years for which assistance is sought and for the second preceding fiscal year and (ii) that the current expenditure per pupil which such agency makes from revenues derived from its local sources for the fiscal year or years for which assistance under the Act will be made available to the applicant is not less than such expenditure per pupil which such agency made from such revenues for (a) the fiscal year preceding the fiscal year during which the agency began implementation of the plan with respect to which assistance is sought under the Act, or (b) the third fiscal year preceding the fiscal year during which the agency began implementation of the plan with respect to which assistance is sought under the Act, whichever is later; and (2) a statement of total local revenues available for expenditure and the tax rate applied by the responsible governmental unit for the fiscal year for which assistance is sought and for the second preceding fiscal year, and of the current expenditure per pupil from revenues derived from local sources for (1) the fiscal year for which assistance is sought, (ii) the fiscal year preceding the fiscal year during which the agency began implementation of its plan, and (iii) the third fiscal year preceding the first fiscal year for which assistance is sought. The term "current expenditure per pupil," for purposes of this paragraph, means the expenditure per pupil from revenues derived from local sources for educational and related non-Federal sources of such funding. The term "current expenditure per pupil," for purposes of this paragraph, means the expenditure per pupil from revenues derived from local sources for educational and related non-Federal sources of such funding. The term "current expenditure per pupil," for purposes of this paragraph, means the expenditure per pupil from revenues derived from local sources for educational and related non-Federal sources of such funding.

(b) Coordination. An assurance that funds made available under any other law of the United States will be used in coordination with funds made available under the Act, to the extent consistent with such other law; and a statement of procedures employed by the applicant to coordinate its proposed program, project, or activity under the Act with projects conducted pursuant to Titles I, III, and VII of the Elementary and Secondary Education Act of 1965 and Title IV of the Civil Rights Act of 1964. Coordination, with respect to the assurance required by this paragraph, includes the following policies or procedures:

(a) Taking all practicable steps to obtain Federal assistance under any other law of the United States for which the applicant has not reduced its fiscal effort for the provision of free public education for children in attendance at its schools for the fiscal year or years for which assistance is sought and for the second preceding fiscal year and (ii) that the current expenditure per pupil which such agency makes from revenues derived from its local sources for the fiscal year or years for which assistance under the Act will be made available to the applicant is not less than such expenditure per pupil which such agency made from such revenues for (a) the fiscal year preceding the fiscal year during which the agency began implementation of the plan with respect to which assistance is sought under the Act, or (b) the third fiscal year preceding the fiscal year during which the agency began implementation of the plan with respect to which assistance is sought under the Act, whichever is later; and (2) a statement of total local revenues available for expenditure and the tax rate applied by the responsible governmental unit for the fiscal year for which assistance is sought and for the second preceding fiscal year, and of the current expenditure per pupil from revenues derived from local sources for (1) the fiscal year for which assistance is sought, (ii) the fiscal year preceding the fiscal year during which the agency began implementation of its plan, and (iii) the third fiscal year preceding the first fiscal year for which assistance is sought. The term "current expenditure per pupil," for purposes of this paragraph, means the expenditure per pupil from revenues derived from local sources for educational and related non-Federal sources of such funding. The term "current expenditure per pupil," for purposes of this paragraph, means the expenditure per pupil from revenues derived from local sources for educational and related non-Federal sources of such funding. The term "current expenditure per pupil," for purposes of this paragraph, means the expenditure per pupil from revenues derived from local sources for educational and related non-Federal sources of such funding.
tal outlay and debt service, or any expenditure made from funds granted under any Federal program of assistance, divided by the number of children in attendance to whom the agency provided free public education during the year for which the computation is made. This paragraph shall not be construed to disqualify an agency whose fiscal effort or current expenditure per pupil has been reduced solely as part of a comprehensive State plan to reorganize public educational financing (without regard to funds made available or to be made available under the Act), where the effect of such plan is to maintain or increase the combined State and local fiscal effort or expenditure per pupil.

(Public Law 92-318, sections 710(a) (13), 710(a), 709(3))

(j) State agency review. An assurance that the appropriate State educational agency has been given at least 15 days to offer recommendations to the applicant; and a statement indicating the State official or agency to whom the proposal or fact or activity has been submitted for such recommendations, and the date of such submission. No application for assistance shall be approved less than 15 days after a copy of said application has been submitted to the appropriate State educational agency for comment, unless the Assistant Secretary has certified that the State agency upon which such application was not to exceed the cost to the applicant of the public at no charge or at a charge not to exceed the cost to the applicant of making such data available, and such reports and records shall be available for inspection by interested members of the public at reasonable times and places.

(3) Records and reports required to be kept and maintained by the applicant to the Assistant Secretary under this paragraph shall include information as to the matters set out in §§ 185.43 and 185.44, including but not limited to:

(i) Records relating to transfers of property or services as required under §§ 185.43(a) and 185.44(c);

(ii) Records relating to assignment of children to classes in violation of §§ 185.43 and 185.44(d);

(iii) Records relating to a violation of §§ 185.43 or 185.44(c) (or that if such a violation has occurred, application for a waiver of ineligibility has been made to the Secretary); and

(iv) A statement of the number of students enrolled in the first grade of the applicant's schools as of the date of its application whose primary home language is neither English nor Spanish.

(4) An assurance that the applicant has not had or maintained in effect prior to the date of its application for assistance under the Act, and will not have or maintain in effect subsequent to such a date, any practice, policy, or procedure which results in discrimination against minority group personnel including but not limited to:

(i) A statement of the number of students enrolled in the third and sixth grades of the applicant's schools (or the nearest grades for which such scores are available) as of the date of its application;

(5) An assurance that the applicant will carry out and comply with the terms of the agreement upon which its waiver of ineligibility (if any) by the Secretary is based.

(Public Law 92-318, sections 706(d), 710(a), 710(a) (15), 710(a) (16); 20 U.S.C. 1232(c))

(a) Compliance with eligibility requirements. (1) An assurance that the applicant has not engaged prior to the date of its application for assistance under the Act, and will not engage in violation of § 185.43 (or that if such violation has occurred, application for a waiver of ineligibility has been made to the Secretary); and (ii) a statement of the average of the most recent standardized reading achievement scores, by race or ethnic group, for students enrolled in the third and sixth grades of the applicant's schools (or the nearest grades for which such scores are available) as of the date of its application.

(b) Compliance with applicable laws. An assurance that the applicant will comply with the provisions of, all applicable regulations, statutes, and other laws which are applicable to the transportation of students or teachers (or for the purchase of transportation services) for the transportation of students or teachers (or for the purchase of transportation services).

(Public Law 92-318, section 706(d))
school districts in the State (30 points); and
(2) The effective net reduction in minority group isolation (in terms of the number and percentage of children af-
fected), in all the schools operated by such agency accomplished or to be ac-
complished by the implementation of a plan or project described in § 185.11 and the program, project, or activity to be assisted (60 points). The term “effective net reduction in minority group isolation,” for purposes of this subparagraph, means (i) the weighted net change affected or to be affected by such plan or project in the number of minority group children enrolled in minority group isolated schools operated by such agency, and (ii) the difference (as applicable, for the total of minority group children placed or to be placed as a result of such plan or project in a school in which the proportion of minority group children has been reduced (but remains greater than 50 percent) or (iii) the proportion of minority group children placed as a result of such plan or project in schools in which the proportion of minority group children has been increased (and is greater than 50 percent) shall be counted against the reduction credited to such agency under this subparagraph. Such effective net reduction shall be computed between the fiscal year (or relevant portion thereof) immediately preceding im-
plementation of such plan or project and the first fiscal year (or relevant portion thereof) for which assistance is sought under the Act.

(Rule 92-318, sections 110(a)(1), (2) and (3).)

(b) Educational and programmatic criteria. The Assistant Secretary shall determine the educational and programmatic merit of applications for assistance by local educational agencies under this subpart on the basis of the following criteria (45 points):

(1) Needs assessment (6 points). (i) The magnitude of needs assessed by the applicant in relation to desegregation, elimination, reduction, or prevention of minority group isolation, or the educational disadvantages of such isolation, elimination, reduction, or prevention, that the applicant has demonstrated, by standardized achievement test data or other objective evidence, the existence of such needs.

(2) Statement of objectives (6 points).

(a) The degree to which the application sets out specific measurable objectives for its program, project, or activity, in relation to the needs identified; and
(b) The degree to which (a) the program, project, or activity to be assisted promises realistically to address the needs identified in the application, and (b) such program, project, or activity involves the fullest extent practicable the total educational resources, both public and private, of the community to be served.

(3) Activities (21 points).—(a) Project design (11 points). The extent to which (a) the proposed services are concentrated upon a group of participants which is sufficiently limited and specific to give promise of significant growth for each participant; (b) such services are sufficiently intensive to give promise of such growth; (c) the proposed program, project, or activity emphasizes individualized instruction and services; (d) students to be served are afforded an opportunity to contribute to, and suggest changes in, the proposed program, project, or activity; and (e) the proposed program, project, or activity to be assisted has demonstrated, by standardized achievement test data or other external standards, promises realistically to address the needs identified in the application, and (b) such program, project, or activity involves the fullest extent practicable the total educational resources, both public and private, of the community to be served.

(4) Resource management (6 points).

The extent to which the application contains evidence that (i) the amount of funds requested is of sufficient magnitude in relation to the number of participants to be served to give substantial promise of achieving the stated objectives; (ii) the costs of project components are related reasonably to the expected benefits; (iii) the proposed project will be coordinated with existing efforts; and (iv) all possible efforts have been made to minimize the amount of funds requested for purchase of equip-
ment necessary for implementation of the proposed program, project, or activity.

(5) Evaluation (6 points). The extent to which the application provides a format for objective, quantifiable measurement of the success of the proposed program, project, or activity in achieving the stated objectives, including (i) the use of continuous accumulation of data for evaluation and a method of reviewing the program, project, or activity in the light of such data; (ii) a description of instruments to be used for evaluation of the proposed program, project, or activity (and of the method for validating such instruments where necessary), or a description of the procedure to be employed in selecting such instruments; and (iii) provisions for comparison of evaluation results with norms, control group performance, results of other programs, or other external standards.

(b) Making the determinations required under this subpart, the Assistant Secretary is authorized to purchase services of experts in the areas of education and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(Rule 92-318, sections 702(b), 710(a), 710(c)(1), (2), (4), and (6)).

(c) Funding criteria. In determining amounts to be awarded to applicants for assistance under this subpart, the Assistant Secretary shall apply the following criteria:

(1) The additional cost to such applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed program, project, or activity, as compared to other applicants in the State; and
(2) The amount of funds available for assistance in the State under the Act in relation to the other applications from the State pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this part, or which sets forth a program, project, or activity of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In apply-
ing the criterion set out in this subparagraph, the Assistant Secretary shall award funds to applicants from a State whose applications meet such require-
ments and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section until the sums allotted to such State have been exhausted.

(Rule 92-318, sections 705(a), 710(b)(2), 710(c)(5)).

§§ 185.15-185.20 [Reserved]

Subpart C—Pilot Projects

§185.21 Eligibility for assistance.

(a) A local educational agency which is eligible for assistance under § 185.11 (a) or (b) may apply for assistance by
grant or contract for funds reserved pursuant to § 185.96(c), for unusually promising and innovative pilot programs or projects specially designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in one or more minority group isolated schools. If the number of minority group children enrolled in the schools of such agency for the fiscal year preceding the fiscal year for which assistance is to be provided (1) is at least 15,000, or (2) constitutes more than 50 percent of the total number of children enrolled in such schools.

(Public Law 92-318, sections 706(a)(2), 706(b))

(b) A local educational agency shall be considered eligible for assistance under this subpart if it is implementing or operating under a plan described in § 185.11(a) or (b), regardless of whether it applies for or receives assistance under § 185.11(a) or (b).

(Public Law 92-318, section 706(b))

§ 185.22 Authorized activities.

(a) Assistance under this subpart shall be made available to carry out the authorized activities described in § 185.11 with respect to the children or schools to be served by the proposed program, project, or activity.

(Public Law 92-318, sections 706(b), 707(b))

(b) Activities to be assisted under this subpart shall be directed toward improving the academic achievement of children in minority group isolated schools, particularly in the basic areas of reading and mathematics. In general, such activities should bear directly upon the academic achievement of children in minority group isolated schools, and should substantially reduce the adverse effects of minority group isolation.

(Public Law 92-318, sections 706(b), 707(b))

(c) The provisions of § 185.12(b), (c), and (d) shall apply to assistance made available under this subpart.

(Public Law 92-318, sections 706(b), 707(b))

§ 185.23 Applications.

Applications for assistance under this subpart shall comply with the provisions of § 185.13.

(Public Law 92-318, section 710(a))

§ 185.24 Criteria for assistance.

(a) In approving applications for assistance under this subpart, the Assistant Secretary shall apply the objective criteria set out in § 185.14(a), except that a maximum of 30 points shall be awarded to any applicant under § 185.14(a)(2).

(Public Law 92-318, sections 706(b), 710(c)(1), (2), and (3))

(b) The Assistant Secretary shall determine the educational and programmatic merits of applications for assistance under this subpart on the basis of the criteria set out in § 185.14(b), except that the Assistant Secretary shall also determine the replicability of the proposed program, project, or activity on the basis of the following considerations (8 points):

(1) The extent to which the application demonstrates special thoroughness and specificity in the areas of needs assessment and evaluation design;

(2) The extent to which the applicant proposes (i) to extend some or all of the activities to be carried out under the program, project, or activity to be assisted to schools operated by the local educational agency which are not included in such program, project, or activity; and (ii) to provide opportunities for interested persons to observe the program, project, or activity, inspect program materials and facilities, and interview staff members of such agency responsible for design and implementation of the program, project, or activity.

(3) The extent to which the application provides for effective collection and organization of information on the educational results of the proposed program, project, or activity; and

(4) The extent to which the proposed program, project, or activity includes activities of modest to average cost, and (ii) to which secondary operating costs and one-time developmental and innovative services are clearly and separately identified in the application, regardless of whether assistance is requested to cover such costs.

(Public Law 92-318, sections 706(b), 710(c)(1), 710(c)(4))

(c) In determining the amounts to be awarded to local educational agencies for assistance under this subpart, the Assistant Secretary shall apply the criteria set out in § 185.14(c).

(Public Law 92-318, sections 706(b), 706(b), 707(e)(5))

§§ 185.25-185.30 [Reserved]
Subpart D—Metropolitan Area Projects

§§ 185.31-185.40 [Reserved]
Subpart E—General Requirements for Educational Agencies

§ 185.41 Advisory committees.

(a) Consultation with advisory committee. A local educational agency shall, prior to submission of an application for assistance under subpart B, C, D, F, H, or J of this part, consult with a districtwide advisory committee formed in accordance with paragraph (c) of this section in identifying problems and assessing the needs of such agency under this application. Such agency shall afford such committee a reasonable opportunity (not less than 10 days) in which to review and comment upon such application, and shall establish such committees at least 5 days prior to the commencement of such review period. In connection with the establishment of such committee, the applicant shall furnish to each member of such committee a copy of the Act and these regulations.

(Public Law 92-318, section 710(a)(2)(A))

(b) Public hearing. Prior to submission of an application under subpart B, C, D, F, H, or J of this part, such agency shall hold at least one public hearing with parents, teachers, and in any school district where a proposed program, project, or activity will affect the secondary school(s) secondary school students, including but not limited to the members of a committee formed in accordance with paragraph (c) of this section.

(Public Law 92-318, section 710(a)(2)(B))

(c) Composition of committee. In order to establish a districtwide advisory committee as required by this section, a local educational agency shall designate at least five civic or community organizations, each of which shall select a member from among the members of the districtwide advisory committee. The civic or community organization(s) in the school district where the proposed program, project, or activity will affect the secondary school(s) secondary school students, including but not limited to the members of a committee formed in accordance with paragraph (c) of this section, shall include representatives of the minority and nonminority communities to be served by the proposed program, project, or activity.

(Public Law 92-318, sections 710(a)(2)(A))

(2) Such agency shall, after consultation with the appropriate teachers' organization(s), either (i) designate one nonminority group classroom teacher and one such teacher from each minority group substantially represented on the faculty or in the student body, of such agency to serve as members of the districtwide advisory committee, or (ii) delegate the designation of such teachers to such organization.

(3) A committee formed under this paragraph must be composed of equal numbers of nonminority group members and members from each minority group substantially represented in the community. (For example, in a school district containing both Negro and Spanish-Surnamed communities, the

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committee shall be composed of equal numbers of Negro, Spanish-surnamed American, and nonminority group members.) At least 50 per centum of the members of the committee shall be parents of children directly affected by a plan described in §185.11 or a program, project, or activity described in subparagraph (c) (1), (2), or (3) of this section. If a majority of the members of such committee are parents of students from each minority group substantially represented in the community, the committee shall be composed of equal numbers of nonminority group members.

§ 185.42 Participation by children enrolled in nonpublic schools.

(a) Assurances. Applications by local educational agencies for assistance under the Act, or not more than 15 days after commencement of the first academic year for which such assistance is awarded, whichever is later, shall be in accordance with this paragraph. Each such application must be accompanied by a student advisory committee of secondary school students at each school which will be affected by any program, project, or activity assisted under the Act and which offers secondary instruction.

(2) Each such committee shall be composed of equal numbers of nonminority group secondary students and of such students from each minority group substantially represented in each such school. The members of each such committee shall be selected by the student body or the student government of such school. Each such committee shall have at least six members.

(3) The application of such agency shall contain an assurance that representatives of the agency will periodically consult with student advisory committees established pursuant to this paragraph. Such consultations shall be made in a newspaper of general circulation or otherwise made public not less than 5 days prior to the date of such meeting.

(4) Not more than 30 days after the award of assistance under the Act (or after commencement of the first academic year for which such assistance is awarded whichever is later), each such agency shall afford the members of its student advisory committees (or at least one representative from each of such committees) an opportunity to select at least one nonminority group secondary student and an equal number of such students from each minority group substantially represented in the community, to serve as members of the district-wide advisory committee established pursuant to this paragraph.

(5) The names of the members of such committees, a statement of the purpose of such committees, an assurance that such committees are appointed pursuant to subparagraph (4) of this section, and the names of the students selected pursuant to paragraph (c) (4) of this section. (Such agency shall select the minimum additional number of students as may be necessary to meet the requirements of subparagraph (4) of this section.)

§ 185.42 Participation by children enrolled in nonpublic schools.

(a) Assurances. Applications by local educational agencies for assistance under the Act, or not more than 15 days after commencement of the first academic year for which such assistance is awarded, whichever is later, shall be in accordance with this paragraph. Each such application must be accompanied by a student advisory committee of secondary school students at each school which will be affected by any program, project, or activity assisted under the Act and which offers secondary instruction.

(2) Each such committee shall be composed of equal numbers of nonminority group secondary students and of such students from each minority group substantially represented in each such school. The members of each such committee shall be selected by the student body or the student government of such school. Each such committee shall have at least six members.

(3) The application of such agency shall contain an assurance that representatives of the agency will periodically consult with student advisory committees established pursuant to this paragraph. Such consultations shall be made in a newspaper of general circulation or otherwise made public not less than 5 days prior to the date of such meeting.

(4) Not more than 30 days after the award of assistance under the Act (or after commencement of the first academic year for which such assistance is awarded whichever is later), each such agency shall afford the members of its student advisory committees (or at least one representative from each of such committees) an opportunity to select at least one nonminority group secondary student and an equal number of such students from each minority group substantially represented in the community, to serve as members of the district-wide advisory committee established pursuant to this paragraph.

(5) The names of the members of such committees, a statement of the purpose of such committees, an assurance that such committees are appointed pursuant to subparagraph (4) of this section, and the names of the students selected pursuant to paragraph (c) (4) of this section. (Such agency shall select the minimum additional number of students as may be necessary to meet the requirements of subparagraph (4) of this section.)
Subpart B, C, F, or J of this part shall contain:

(1) In the case of project activities primarily directed to minority group children, an assurance that to the extent consistent with the number of minority group children who are enrolled in nonpublic nonprofit elementary and secondary schools, such activities will be provided (which are operated in a manner free from discrimination on the basis of race, color, or national origin, and which do not serve as alternatives for children seeking to avoid attendance in desegregated or integrated public schools), the participation of which children would assist in achieving the purposes of the Act, the applicant (after consultation with the appropriate nonpublic school officials) has made provision for the participation of such children on an equitable basis; and

(2) In the case of project activities directed to minority and nonminority group children, teachers, and other educational staff, an assurance that to the extent consistent with the number of children, teachers, and other educational staff enrolled or employed in nonpublic nonprofit elementary and secondary schools within the school district of the applicant (which are operated in a manner free from discrimination on the basis of race, color, or national origin, and which do not serve as alternatives for children seeking to avoid attendance in desegregated or integrated public schools), the participation of which children would assist in achieving the purposes of the Act or, in the case of an application under subpart P of this part, would assist in meeting the needs described in that subpart, the applicant (after consultation with the appropriate nonpublic school officials) has made provision for the participation of such children, teachers, and other educational staff on an equitable basis.

(Public Law 92-318, section 710(a)(12))

(b) Definitions. (1) "Area to be served," for purposes of paragraph (a) of this section, means the general geographical area in which the program, project, or activity assisted under subpart B, C, F, or J of this part is to be conducted, and may include the entire school district of the local educational agency.

(2) "An equitable basis" for participation of nonpublic schoolchildren, teachers, and other educational staff, for purposes of paragraph (a) of this section, means that the special needs of such children, teachers, and other educational staff shall be served to the same extent that special needs are served with respect to children, teachers, and other educational staff enrolled in or employed by the local educational agency.

(Public Law 92-318, section 710(a)(12))

(c) Exclusion of discriminatory nonpublic schools. No child, teacher, or other educational staff member shall participate in any activity assisted under the Act if such child, teacher, or other educational staff member is enrolled in or employed by a nonpublic school system which is operated on a segregated or unsegregated basis as an alternative for children seeking to avoid attendance in desegregated or integrated public schools, or otherwise practices, or permits to be practiced, discrimination on the basis of race, color, or national origin in admissions or the operation of any school activity. Determinations required under this paragraph shall be made in accordance with §185.43(a).

(Public Law 92-318, section 702(b), 706(d)(1), 710(a)(12))

(d) Applicability. (1) The participation of children, teachers, or other educational staff enrolled in or employed by a nonpublic school shall be considered to be in compliance with the requirements of the Act if such nonpublic school is attended by a significant number or percentage of minority and nonminority group children, or if implementing a plan to desegregate or reduce minority group isolation in its student body and faculty to a significant extent, or is part of a nonpublic school system implementing a plan to desegregate or reduce minority group isolation in one or more schools and is significantly affected by such plan.

(2) The participation of children, teachers, or other educational staff enrolled in or employed by a nonpublic school shall be considered to assist in meeting the needs described in subpart P of this part if such school is attended by a significant number or percentage of minority children who are from an environment in which a dominant language is other than English and who, because of language barriers and cultural differences, do not have equality of educational opportunity.

(Public Law 92-318, sections 706(d)(1), 706(d)(1), 710(a)(12))

(e) Assessment of needs. The special needs of children, teachers, and other educational staff enrolled in or employed by nonpublic schools, the number of such children, teachers, and staff who will participate in activities assisted under the Act, and the types of special services to be provided for them, shall be determined, after consultation with officials of such schools and other persons knowledgeable of the needs of such children, teachers, and other educational staff, on a basis comparable to that used in providing for the participation in activities assisted under the Act by children, teachers, and other educational staff enrolled in or employed by schools operated by the local educational agency.

(Public Law 92-318, section 710(a)(12))

(f) Information required. An applica-
able equipment on nonpublic school premises or any construction, remodeling, or repair of nonpublic school facilities. "Mobile or portable equipment," for purposes of this paragraph, means manufactured items which have an extended useful life and are not consumed in use and are not permanently fastened to the building or the grounds.

(Public Law 92-318, section 710(a) (12))

(i) Waiver. In any case where a local educational agency considers itself to be prohibited by law from providing for the participation of children, teachers, and other educational staff enrolled in or employed by nonpublic schools as required by this section, such agency shall furnish to the Assistant Secretary copies of such laws, rules, court decisions, or opinions of State legal officers as are necessary to set out the basis for such prohibition. Where such prohibition exists, the Assistant Secretary shall waive such requirement with respect to such agency and school system, if the Assistant Secretary determines that the nonpublic school or school system is not operated on a racially segregated basis as an alternative for children avoiding desegregation or integrated public schools, and that such nonpublic school or school system does not otherwise practice, or permit to be practiced, discrimination on the basis of race, color, or national origin in admissions or in the operation of any school activity.

(ii) Validity of applicant's certification. Any determination required under this paragraph is a nonpublic school or school system or a person or organization controlling, operating or intending to establish such a school or school system shall have the right to provide evidence satisfactory to the Assistant Secretary that such nonpublic school or school system is not operated on a racially segregated basis. If such a nonpublic school or school system has also failed to adopt and publish a policy of nondiscrimination in accordance with subparagraphs (1) and (2) of this paragraph, the presumption of discrimination shall be conclusive.

(iii) Waiver of right to apply. If such a nonpublic school or school system has no minority students, or if the educational agency shall, at a minimum, obtain from such transferee, in writing, the following information:

(I) The legal name and address of the transferee or his or its principal, and if such information does not clearly indicate the nature of the transferee, or his or its principal, a copy of the articles of incorporation, charter, bylaws, or other documents indicating the legal status and stated purposes of the transferee or his or its principal; and

(ii) A statement of the use to be made of the property or services to be transferred.

(iii) In the case of a transfer occurring subsequent to June 23, 1972, but prior to the effective date of this section, a determination required to be made by this subparagraph shall be substantiated by credible evidence satisfactory to the Assistant Secretary.

(iv) Waiver of right to apply. In the case of a transfer occurring subsequent to June 23, 1972, but prior to the effective date of this section, a determination required by this subparagraph shall be conclusive.

(b) Failure to provide for nondiscriminatory nonpublic school participation. If a local educational agency fails to provide for the participation, on an equitable basis, of children, teachers, and other educational staff enrolled in or employed by nonpublic schools in the school district served by such agency on any grounds other than those authorized by paragraph (1) of this section, it shall set out such grounds in its application or upon inquiry by the Assistant Secretary. If the Assistant Secretary determines such grounds to be insubstantial, and if the Assistant Secretary further determines that a local educational agency has substantially failed to provide for the participation, on an equitable basis, of such children, teachers, and other educational staff, he shall arrange for such participation to be provided in section 712(c) (3) of the Act.

(Public Law 92-318, section 712(c) (9))

(k) Informal conference. Representatives of States, local educational agencies, nonpublic schools, or children, teachers, and other educational staff enrolled in or employed by nonpublic schools whose interests are directly affected by a determination made under this section may request an informal conference with the Assistant Secretary to show cause why such determination should be reviewed or revised. The Assistant Secretary or his designee shall hold such a conference within 15 days of receipt of such a request.

(Public Law 92-318, sections 710(a) (12) and 712(c))

§ 185.43 Limitations on eligibility.

(a) Transfers to discriminatory nonpublic schools. No educational agency shall be eligible for assistance under the Act if, after June 23, 1972, it has transferred (directly or indirectly by gift, lease, loan, sale, or any other means) any real or personal property, or made available any services, to a nonpublic school or school system (or any person or organization controlling, operating, or intending to establish such a school or school system) without a prior determination that such nonpublic school or school system is not operated on a racially segregated basis as an alternative for children avoiding desegregation or integrated public schools, and that such nonpublic school or school system does not otherwise practice, or permit to be practiced, discrimination on the basis of race, color, or national origin in admissions or in the operation of any school activity.

(b) Demotion or dismissal of minority group personnel. (1) No educational agency shall be eligible for assistance under the Act if, after June 23, 1972, it has had or maintained in effect any practice, policy, or procedure which results in the disproportionate demotion or dismissal of instructional, administrative, or other personnel from minority groups in conjunction with desegregation or the implementation of a plan or conduct of any activity described in section 706 of the Act, or which has resulted in the disproportionate demotion or dismissal of such personnel during the period in which such educational activity has been desegregating (or eliminating or reducing isolation of minority group children) pursuant to an order of a Federal or State court or in a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964, or an order of a State agency or official of competent jurisdiction.

(2) For purposes of this subparagraph, a disproportionate demotion or dismissal of minority group personnel has occurred if the ratio of minority group personnel employed by such agency before such demotions or dis-
misconduct exceeds by more than 10 percent the ratio of such nonminority group personnel so demoted or dismissed over the same period of time to the number of such nonminority group personnel employed by such agency prior to such demotions or dismissals. (For example, such an agency would be in violation of this subparagraph if it has demoted or dismissed 21 percent of its nonminority group principals over the same period of time; under which a faculty or staff member receives less pay or has less responsibility than under the assignment he held prior to such reassignment, (b) which requires a lesser degree of skill than did the assignment he held previously, or (c) under which he is required to teach in a subject or grade other than one for which he is certified or in which he has substantial experience or qualifications.

(ii) For purposes of this paragraph, a dismissal includes any reassignment (a) under which a faculty or staff member receives less pay or has less responsibility than under the assignment he held prior to such reassignment, (b) which requires a lesser degree of skill than did the assignment he held previously, or (c) under which he is required to teach in a subject or grade other than one for which he is certified or in which he has substantial experience or qualifications.

(iii) For purposes of this paragraph, a dismissal includes any termination of or failure to renew a contract, for cause or otherwise, by reason of demotions or dismissals compelled by threatened administrative or other sanctions.

(2) No educational agency shall be eligible for assistance under the Act if, after June 23, 1972, it has had or maintained in effect any other practice, policy, or procedure which results in discrimination on the basis of race, color, or national origin in the recruiting, hiring, promoting, demoting, dismissing, assigning, certifying or in which he has substantial experience or qualifications.

(3) (i) A practice, policy, or procedure resulting in the disproportionate demotion or dismissal of minority group personnel shall be considered to be or remain in effect after June 23, 1972, if at the time such agency applies for assistance under the Act, the proportion of minority group personnel employed by such agency prior to such demotions or dismissals has not been restored at least to the proportion which existed prior to such demotions or dismissals, unless such an agency which has had or maintained in effect such a practice, policy, or procedure submits with its application for assistance information establishing that such a practice, policy, or procedure has not been in effect since June 23, 1972.

(ii) A demotion or dismissal shall be considered to be discriminatory if such an agency which has had or maintained in effect such a practice, policy, or procedure has not been rehired at the time such agency applies for assistance under the Act if, after June 23, 1972, it has had or maintained in effect any other practice, policy, or procedure which results in discrimination against children or the basis of race, color, or national origin, including but not limited to:

(a) Limitation of extracurricular activities, including discrimination against minority group children in military or other staff affected by such demotions or dismissals has not been restored at least to the proportion which existed prior to such demotions or dismissals, unless such an agency which has had or maintained in effect such a practice, policy, or procedure has not been rehired at the time such agency applies for assistance under the Act if, after June 23, 1972, it has had or maintained in effect any other practice, policy, or procedure which results in discrimination against children on the basis of race, color, or national origin.

(b) Limitation of voluntary or extracurricular activities (or participation by children therein) in order to avoid the participation of minority group children in such activities.

(c) Denying equality of educational opportunity or otherwise discriminating against national origin minority children on the basis of language or cultural background.

(d) Permitting the rental, use, or enjoyment of any of such agency’s facilities or services by any group or organization which discriminates against minority group children aged 6 to 17, inclusive, in its admissions or membership policies, or otherwise practices, or permits to be practiced, discrimination against such children on the basis of race, color, or national origin.

(e) Imposing disciplinary sanctions, including expulsion, suspension, or corporal or other punishment, in a manner which discriminates against minority group children on the basis of race, color, or national origin:

(f) Assigning students to ability groups, tracks, special education classes, classes of the mentally retarded, or other curricular or extracurricular activities on the basis of race, color, or national origin. Racially or ethnically identifiable groups, tracks, or classes which cannot be justified on educational grounds for termination of assistance under the Act is determined to be ineligible for such assistance under §135.43, such agency may apply to the Secretary for a waiver of such ineligibility.

(f) Continuing conditions of eligibility. The requirements of eligibility set forth in this section shall be continued for the duration of such assistance, and such assistance shall be grounds for termination of assistance and for such other sanctions as the Assistant Secretary may determine.

(4) Validated by test scores or other reliable evidence under the Act, any indicates the educational benefits of such grouping.

(5) Discrimination against children. No educational agency shall be eligible for assistance under the Act if, after June 23, 1972, it has had or maintained in effect any practice, policy, or procedure which results in discrimination against children on the basis of race, color, or national origin, including but not limited to:

(a) Limitation of extracurricular activities, including discrimination against minority group children in military or other such activities.

(b) Limitation of voluntary or extracurricular activities (or participation by children therein) in order to avoid the participation of minority group children in such activities.

(c) Denying equality of educational opportunity or otherwise discriminating against national origin minority children on the basis of language or cultural background.

(d) Permitting the rental, use, or enjoyment of any of such agency’s facilities or services by any group or organization which discriminates against minority group children aged 6 to 17, inclusive, in its admissions or membership policies, or otherwise practices, or permits to be practiced, discrimination against such children on the basis of race, color, or national origin.

(e) Imposing disciplinary sanctions, including expulsion, suspension, or corporal or other punishment, in a manner which discriminates against minority group children on the basis of race, color, or national origin:

(f) Assigning students to ability groups, tracks, special education classes, classes of the mentally retarded, or other curricular or extracurricular activities on the basis of race, color, or national origin. Racially or ethnically identifiable groups, tracks, or classes which cannot be justified on educational grounds for termination of assistance under the Act is determined to be ineligible for such assistance under §135.43, such agency may apply to the Secretary for a waiver of such ineligibility.

(g) Continuing conditions of eligibility. The requirements of eligibility set forth in this section shall be continued for the duration of such assistance, and such assistance shall be grounds for termination of assistance and for such other sanctions as the Assistant Secretary may determine.

(a) In the event that a local educational agency prior to the award of assistance under the Act, any indicates the educational benefits of such grouping.

(b) Limitation of extracurricular activities, including discrimination against minority group children in military or other staff affected by such demotions or dismissals has not been restored at least to the proportion which existed prior to such demotions or dismissals, unless such an agency which has had or maintained in effect such a practice, policy, or procedure has not been rehired at the time such agency applies for assistance under the Act if, after June 23, 1972, it has had or maintained in effect any other practice, policy, or procedure which results in discrimination against children on the basis of race, color, or national origin, including but not limited to:

(c) Denying equality of educational opportunity or otherwise discriminating against national origin minority children on the basis of language or cultural background.

(d) Permitting the rental, use, or enjoyment of any of such agency’s facilities or services by any group or organization which discriminates against minority group children aged 6 to 17, inclusive, in its admissions or membership policies, or otherwise practices, or permits to be practiced, discrimination against such children on the basis of race, color, or national origin.

(e) Imposing disciplinary sanctions, including expulsion, suspension, or corporal or other punishment, in a manner which discriminates against minority group children on the basis of race, color, or national origin:

(f) Assigning students to ability groups, tracks, special education classes, classes of the mentally retarded, or other curricular or extracurricular activities on the basis of race, color, or national origin. Racially or ethnically identifiable groups, tracks, or classes which cannot be justified on educational grounds for termination of assistance under the Act is determined to be ineligible for such assistance under §135.43, such agency may apply to the Secretary for a waiver of such ineligibility.
as will insure that any practice, policy, procedure, or other activity resulting in
ineligibility has ceased to exist or occur, and shall include such provisions as are
necessary to insure that such practice, policy, procedure, or activity will not
reoccur under the submission of such application.

(Public Law 92-318, sections 706(d) (1)–(3))

(c) Transfers to discriminatory non­public schools: In the case of ineligibility
under §185.43(a), an application for waiver shall contain:

(1) A list of all property transferred or
services made available to nonpublic
schools or school systems operated on a
racially segregated basis or which prac­
tice, or permit to be practiced, discrimi­
nation on the basis of race, color, or na­tional origin in admissions or the opera­
tion of any school activity, the names and
addresses of such schools or school systems, and the consideration received
for such transfers;

(2) Evidence that all transfers de­
scribed in subparagraph (1) of this para­
graph have been rescinded and all un­
earned consideration received therefor
has been repaid or returned, to the ex­tent possible under the applicable State
law; and

(3) A statement of steps taken by such
agency to avoid or prevent such transfers
in the future.

(Public Law 92-318, sections 706(d) (1)–(3))

(d) Demotion or dismissal of minority
group personnel:

(1) In the case of ineligibility under
§185.43(b)(1) of this part resulting from
the disproportionate demotion or
dismissal of instructional, administra­
tive, or other personnel from minority
groups, an application for waiver shall con­
tain:

(i) A plan of affirmative action to in­
sure that within a reasonable time from
the date of such application, the propor­
tion of minority group elementary school
teachers, secondary school teachers, prin­cipals, or other staff affected by such
demotions or dismissals will be restored
at least to the proportion which existed
prior to such demotions or dismissals;

and

(ii) A statement of steps taken by such
agency to prevent any future dispropor­
tionate demotion or dismissal of minority
group personnel.

(2) In the case of ineligibility under
§185.43(b)(2) resulting from discrimi­
natory demotion or dismissal of instruc­
tional or other personnel from minority
groups in the process of desegregation,
an application for waiver shall contain:

(i) Evidence that all minority group
personnel so demoted or dismissed have
been offered reinstatement to their for­
mer positions and afforded pecuniary
compensation for any loss incurred as a
result of such demotions or dismissals,
such as diminution in salaries, addition­
al commuting expenses, and the like;

and

(ii) A plan of affirmative action as re­
quired by subdivision (i) of this para­
graph, (1) of this paragraph; and

(iii) A statement of steps taken by
such agency to prevent any future dis­
criminatory demotion or dismissal of minority
group personnel, including but not
limited to a statement of objective,
nonracial, and reasonable criteria to be
applied in the reinstatement of minority
group personnel as required by subdi­
vision (i) of this paragraph

(Public Law 92-318, sections 706(d) (1)–(3);
§185.43(d) (3), an application for waiver shall contain:

(1) Evidence that minority group
children are not separated from non­
minority group children by or within
classes for more than 25 percent of the
school day classroom periods, except in
instances of bona fide utility grouping
which meet the requirements of §185.43
(c), where such agency has demonstrated
by clear and convincing evidence that
such separation is educationally neces­
sary and is the only available method
of achieving a specific educational objec­tive;
and

(2) A statement of steps taken by such
agency to insure that separation of mi­
nority and nonminority group children
shall cease to exist or occur in the future.

(Public Law 92-318, sections 706(d) (1)–(3))

(f) Discrimination against children:

In the case of ineligibility under §185.43
(d), an application for waiver shall con­
tain evidence that the practice, policy, or
procedure prohibited by §185.43(d) has
ceased to exist or occur and that the ef­
fects of such practice, policy, or proce­
dure have been remedied or eliminated.

In particular:

(1) In the case of a denial of equal edu­
cational opportunity to national origin
minority children as described in §185.43
(d)(2), such agency shall submit an
educational plan of sufficient comprehen­
sion to be implemented regardless of whether funds
for such purpose are made available
under the Act.

(2) In the case of a violation under
§185.43(d)(3), such agency shall submit evidence that such rental, use, or enjoy­ment of its facilities is no longer per­
mitted, and that any agreement with respect to such rental, use, or enjoyment
has been rescinded and the unearned con­
sideration therefore has been re­
turned or repaid, to the extent possible under the applicable State law.

(3) In the case of assignment of stu­
dents to classes on the basis of race, color,
or national origin as prohibited by
§185.43(d)(5), such agency shall submit evidence that the groups, tracks,
or classes resulting from such assignment
have been completely eliminated and the
students so assigned have been reas­
signed to classes on a nondiscrimina­
tory basis, and that such students so assigned have been retested, re-evaluated, and, if
necessary, reassigned to groups, tracks,
or classes which satisfy the requirements
of §185.43(d).

(Public Law 92-318, sections 706(d) (1)–(3))

(g) Access to information and records:

Agencies applying for assistance
under the Act or for a waiver under this section shall furnish to the Assistant Secretary for such information and such access to their facilities or records as such official may deem necessary for the administration of the Act, or for a determination as to eligibility or as to whether or not a waiver should be granted. The Assistant Secretary may determine for good cause that suspension of assistance during the pendency of such proceedings is necessary, such notice shall, in addition to the matters described in subparagraph (a) of this paragraph, inform the recipient of such determination and shall offer the recipient an opportunity to show cause why such action should not be taken. Such notice of such additional information shall include a request by the Assistant Secretary that any new expenditures or obligations made or incurred in connection with the program, project, or activity assisted during the period of the suspension will not be recognized by the Government in the event such assistance is ultimately terminated. Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the recipient's approved program, project, or activity, and not in anticipation of suspension or termination, shall not be considered new expenditures or obligations made or incurred in connection with the program, project, or activity assisted during the period of the suspension.

§ 185.45 Termination of assistance.
(a) Termination and suspension. (1) Assistance under the Act may be terminated in whole or in part if the Assistant Secretary determines, after affording the recipient reasonable notice and opportunity for a full and fair hearing, that the recipient has failed to carry out the terms or conditions, or other applicable law, regulation, assurance, term, or condition. Assistance under the Act may be suspended during the pendency of a termination proceeding initiated pursuant to this paragraph.

(b) Additional sanctions. In an appropriate case, involving violations of the eligibility limitations set out in § 185.43, arising subsequent to approval of an application for assistance under this part or a failure to comply with the terms of a waiver granted pursuant to § 185.44, the Assistant Secretary shall declare the award of such assistance to be null and void as of the date of such violation or failure, and shall refuse to recognize any obligation incurred after such date or to reimburse the recipient for any costs incurred or expenditures made after such date, regardless of the date of obligability. Such sanctions shall be imposed in accordance with the provisions of this section.

(c) Procedures. (1) If the recipient requests an opportunity to show cause why a suspension of assistance pursuant to paragraph (a)(1) of this section should not be continued or imposed, the Assistant Secretary or his designee shall, within 7 days after receiving such request, hold an informal meeting for such purpose.

(2) Hearings respecting the termination or suspension of assistance under the Act shall be conducted pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. 554-557). Proposed findings of fact, conclusions of law, and any other matter on which an adverse decision is to be made shall be served on the recipient at least 30 days prior to the effective date of such termination.

(3) The initial decision of an Administrative Law Judge regarding the termination of assistance under the Act shall become the decision of the Assistant Secretary from whom no further proceedings shall issue unless there is an appeal to, or review on motion of, the Assistant Secretary made in writing no later than 15 days after receipt (by the party requesting such appeal or review), of the decision of the Administrative Law Judge. The Assistant Secretary shall have the authority to waive or suspend any amount due.

(4) The procedures established by this section shall not preclude the Assistant Secretary from pursuing any other remedies authorized by law. Any findings, decisions, or orders made in connection with such proceedings shall be governed by the regulations in part of such official, agent, or employee of the Government any amounts found due.

(5) The procedures and requirements set out in this section shall apply to any assistance made available to any recipient under this part, except assistance awarded pursuant to Subpart I.

(6) The procedures and requirements set out in Part 81 of this title shall be governed by the regulations in that part and Part 81 of this title.

(7) The procedures and requirements set out in this Part shall apply to any assistance made available to any recipient under this part, except assistance awarded pursuant to Subpart I.
§§ 185.46–185.50 [Reserved]

Subpart F—Bilingual Projects

§§ 185.51–185.60 [Reserved]

Subpart G—Public or Nonprofit Private Organizations

§ 185.61 Eligibility for assistance.

(a) Eligible applicants. (1) Any public agency, institution, or organization (other than a local educational agency) and any nonprofit private agency, institution, or organization may apply for assistance, by grant or contract, from funds reserved pursuant to § 185.05(d) (1)(i) to carry out programs, projects, or activities designed to support the development or implementation of a plan or project described in § 185.11.

(2) Any such agency, institution, or organization (other than a local educational agency or a nonprofit elementary or secondary school) may apply for such assistance from funds reserved pursuant to § 185.05(d) (1)(ii) to carry out such programs, projects, or activities.

(Public Law 92–318, sections 705(a) (3) and 705(b))

(b) Nonprofit status. A nonprofit agency, institution, or organization, for purposes of this section, means any organization owned and operated by one or more corporations or associations of not more than a local educational agency or a nonprofit elementary or secondary school may apply for such assistance from funds reserved pursuant to § 185.05(d) (1)(ii) to carry out such programs, projects, or activities.

(Public Law 92–318, sections 705(a) (3) and 705(b))

§ 185.62 Authorized activities.

Financial assistance under this subpart shall be available for programs or projects which would not otherwise be funded and which involve activities designed to support the development or implementation of a plan or project described in § 185.11 and to carry out the purposes described in § 185.01. Such programs or projects shall include one or more of the following:

(a) Supplemental remedial services beyond those provided by the local educational agency, including student tutoring, to meet the special needs of children (including gifted or talented children) in schools which are affected by a plan or project described in § 185.11.

(b) Educational programs beyond those offered by the local educational agency for career orientation;

(c) Innovative interracial educational enrichment programs or projects beyond those offered by the local educational agency, involving the joint participation of minority group children and other children attending different schools and, where appropriate, the parents of such children;

(d) Community activities, including public information and parental involvement efforts, regarding matters related to a plan or project described in § 185.11;

(e) Administrative and auxiliary services to facilitate the success of the applicant's program or project, where such services are part of, and in conjunction with, a comprehensive program or project designed to support the development or implementation of a plan or project described in § 185.11;

(f) Programs to prepare preschool or school-age children and, where appropriate, the parents of such children, for the experience of desegregation or of elimination or reduction of minority group isolation in the schools of the local educational agency;

(g) Programs designed to deal with the problems of dropout, academic failures, and increased suspensions or expulsions resulting from or attendant to the implementation of a plan or project described in § 185.11;

(h) Interracial programs or projects relating to the social and recreational needs of children attending schools affected by a plan or project described in § 185.11; and

(i) Cultural enrichment activities which promote interracial and intercultural understanding among children attending schools affected by a plan or project described in § 185.11, including parental participation in school or neighborhood functions; and

(j) At the request of a local educational agency, assistance or support in the development of a plan or project described in § 185.11; or

(k) Special programs or projects of exceptional merit or promise which the Assistant Secretary determines will make substantial progress toward achieving the purposes set out in § 185.01.

(Public Law 92–318, section 706(b))

§ 185.63 Applications.

(a) Basic assurances. Applications for assistance under this subpart shall constitute a promise that the program or project for which assistance is sought:

(1) Will be consistent with the purposes set out in § 185.01; and

(2) Will be so used (i) as to supplement and to the extent practicable, increase the level of funds that would, in the absence of funds under the Act, be available from non-Federal sources for the purposes of the program for which assistance is sought; and (ii) in no case, as to supplant such funds from non-Federal sources;

(3) (i) An assurance that the appropriate local educational agency has been given at least 15 days to offer recommendations to the applicant with respect to such application and to submit comments to the Assistant Secretary; (ii) a statement indicating the local official or agency to whom the proposed program, project, or activity has been submitted for such recommendations or comment, and the date of such submission; and (iii) a description of the provisions which...
have been made for effective liaison with such agency with regard to operation of the proposed program, project, or activity and coordination of such program, project, or activity with regard to similar or related efforts of such agency. No application for assistance under this subpart shall be approved less than 10 days after a copy of such application has been submitted by the Assistant Secretary to the appropriate State educational agency for comment, unless the Assistant Secretary has received comments from such agency upon such application prior to expiration of the 10-day period.

(4) A statement of (i) the extent to which other public or nonprofit private agencies, institutions, or organizations in the school district affected by a plan or project described in §185.11 have been made by the applicant for consultation with such agencies, institutions, or organizations which have applied for, or received, assistance under the act with regard to coordination of programs, projects, or activities so assisted; and (5) A copy of the charter, articles of incorporation, bylaws, or other legal documents indicating the nature and purpose of the applicant, including evidence of nonprofit status as described in §185.61(b).

(6) A statement of past activities engaged in by the applicant or its officers or employees in the appropriate school district with respect to such matters as education, human relations, desegregation or reduction of minority group isolation in public elementary or secondary schools, or other community activities or concerns; and (7) A copy of the plan or project described in §185.11 with respect to which assistance is sought under this subpart, or an adequate description of such plan or project.

(Rule 92-318, section 708(b))

§185.64 Criteria for assistance.

(a) Objective criteria. In approving applications under this subpart, the Assistant Secretary shall apply the following objective criteria (45 points):

(1) The number and percentage of minority group children enrolled in the schools operated by the local educational agency with respect to which the applicant proposes to carry out its program, project, or activity for the fiscal year or years for which assistance is sought (15 points):

(2) The effective net reduction in minority group isolation (in terms of the number and percentage of children affected), as defined in §185.14(a)(2), in all the schools operated by such agency accomplished or to be accomplished by the implementation of the plan or project described in §185.11 with respect to which assistance is sought by the applicant (30 points).

(Rule 92-318, section 708(b))

(b) Educational and programmatic criteria. The Assistant Secretary shall determine the educational and programmatic merits of applications for assistance under this subpart on the basis of the following criteria (15 points):

(1) Needs assessment (6 points).

(i) The degree to which the applicant has cooperated with, or complemented the efforts of, the appropriate local educational agency in assessing the needs of the community with respect to desegregation or the reduction of minority group isolation; and (ii) The magnitude of needs assessed by the applicant and the degree to which the applicant has demonstrated, by objective evidence, the existence of such needs.

(2) Statement of objectives (6 points).

(i) The degree to which the applicant sets out specific, measurable objectives for its program, project, or activity, in relation to the needs identified; and (ii) The degree to which the proposed program, project, or activity to be assisted affords promise of achieving the objectives specified in the application, and (b) such program, project, or activity, when implemented, will be indispensable to the total educational and social resources already existing in the community, including those of other public or nonprofit private agencies, organizations, or institutions which are eligible for assistance under the Act.

(3) Activities (21 points). (i) Project design (8 points). The extent to which the proposed program or project as described in §185.11 with respect to which assistance is sought under this subpart, or project operations, (a) describes available facilities which are adequate for the performance of the proposed activities and are convenient and accessible to the persons involved in such activities; and (b) provides for effective notification of and communication with the intended beneficiaries of proposed activities, events, and services.

(iv) Parent and community involvement (6 points). The extent to which the application for assistance (a) reflects efforts to include persons broadly representative of the community to be served as members of the advisory committee established pursuant to §185.65(a), and to utilize the contributions of such persons in the formulation of the proposed activities being carried out by the applicant or its officers or employees; (b) delineates specific responsibilities for the advancement of the proposed activities required in §185.65(d); and (c) sets forth procedures for involving parents and residents of the community to the maximum extent possible in all aspects of the proposed program, project, or activity.

(4) Resource management (6 points). The extent to which the application contains evidence that (i) the amount of funds requested is of sufficient magnitude to give substantial promise of achieving the stated objectives; (ii) the costs of project components are reasonable in relation to the needs of the applicant; and (iii) all possible efforts have been made to minimize the proportion of funds requested for purchase of equipment necessary for implementation of the proposed program, project, or activity.

(5) Evaluation (6 points). The extent to which the application sets out a format for objective measurement of the results of the proposed program, project, or activity, including (a) a timetable for compilation of data for evaluation and a method of reviewing the program, project, or activity in the light of such results; (b) a description of the instruments to be used for evaluation of the proposed program, project, or activity (and of the method for validating such instruments where necessary); or a description of the process by which such instruments are to be employed in selecting such instruments; and (ii) provisions for comparison of evaluation results with norms, control group performance, results of other programs, and standards.

(6) In making the determinations required under this paragraph, the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the area of education and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(c) Funding criteria. In determining amounts to be awarded to applicants for assistance under this subpart, the Assistant Secretary shall apply the following criteria: (a) The additional cost to such applicant (as such cost is defined in §185.13(a)) of effectively carrying out its proposed program, project, or activity, as compared to other applicants in the State, and (b) The amount of funds available for assistance in the State under the act, in relation to the application from the State pending submission. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the act.
or this part, or which sets forth a program, project, or activity of such insufficient promise for achieving the purposes of the act that its approval is not warranted. In applying the criterion set out in this subparagraph, the Assistant Secretary shall award funds to applicants from a State (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section until the sums allotted to such State for the purposes of this subpart have been exhausted.

(Public Law 92-318, sections 708(a)(3), 708(b)(3))

(3) No more than 33 percent of the grants or contracts pursuant to this subpart of funds allotted to a State for part shall be awarded to applicants proposing to carry out programs, projects, or activities closely related to the same local educational agency, unless the Assistant Secretary determines that the applications pending before him for funds (1) of such amount for such programs, projects, or activities are of exceptional merit or promise.

(Public Law 92-318, section 708(b))

§ 185.65 Advisory committees.

(a) Consultation with advisory committee. An agency, institution, or organization applying for assistance under this subpart shall, prior to submission of such an application, consult with a districtwide advisory committee formed in accordance with paragraph (b) of this section in identifying problems and assessing the needs to be addressed by such application. Such applicant shall afford such committee a reasonable opportunity (not less than 10 days) in which to review and comment upon such application, and shall establish such committee at least 30 days prior to the commencement of such review period. In the case of an application submitted for the establishment of such committee, such applicant shall furnish to each member of such committee a copy of the Act and this subpart.

(Public Law 92-318, section 708(b))

(b) Composition of committee. (1) In order to establish a districtwide advisory committee as required by this section, the applicant shall designate at least five civic or community organizations, each of which shall select a member of the committee. The civic or community organizations which participate in the selection process shall, when taken together rather than considered individually, be broadly representative of the minority and nonminority communities to be served.

(2) The applicant shall invite the appropriate local educational agency to designate as a member of the committee described in this paragraph at least one person who is an administrator, principal, or teacher employed by such agency or a member of the school board of such agency. In addition, if the local educational agency has applied for or received assistance under this part, the applicant shall invite the advisory committee formed by such agency in accordance with § 185.41(c) to designate at least one of its members as a member of the committee described in this paragraph. (An advisory committee established in accordance with § 185.41(c), with the appropriate additions required to conform to the provisions of this paragraph, may be adopted from the districtwide advisory committee formed in accordance with this section.)

(3) A committee formed under this paragraph must be composed of equal numbers of nonminority group members and of teachers from each minority group substantially represented in the community or in the student body of the appropriate local educational agency. At least 50 percent of the nonstudent members of such committee shall be parents of children directly affected by a plan or project described in § 185.11. In addition to members appointed to civic or community organizations, and those selected pursuant to subparagraph (2) of this paragraph, the applicant shall select the minimum number of additional persons as may be needed to meet the requirements of this subparagraph.

(Public Law 92-318, section 708(b))

(4) In addition to the persons selected by the applicant pursuant to subparagraph (3) of this paragraph, the applicant shall also appoint to the appropriate local educational agency equal numbers of nonminority group secondary students and of such students from each minority group substantially represented in the community, so that the number of such students so selected will constitute 50 percent of the total membership of such committee.

(Public Law 92-318, section 708(b))

(c) Comments of committee. No application for assistance under this subpart shall be approved which is not accompanied by the report of the advisory committee formed in accordance with paragraph (b) of this section. No amendment to a program, project, or activity assisted under this subpart shall be approved, and no additional funds made available, unless such committee has been consulted and involved in the development of, and has been given an opportunity to comment upon, such amendment of or addition to such program, project, or activity. Such comments shall be included with any application submitted by such applicant for such amendments or additions.

(Public Law 92-318, section 708(b))

(d) Post-award consultation. Each applicant shall prepare a report to the Assistant Secretary describing the manner in which the requirements of this paragraph shall be carried out in a newspaper of general circulation or otherwise made public prior to submission of an application for assistance under this subpart. Evidence of such publication shall be submitted with such application for assistance.

(Public Law 92-318, section 708(b))

§§ 185.66-185.70 [Reserved]

Subpart H—Educational Television

§§ 185.71-185.89 [Reserved]

Subpart I—Evaluation

§§ 185.81-185.90 [Reserved]

Subpart J—Special Projects

§§ 185.91-185.94 [Reserved]

Subpart K—Reservations

§§ 185.95 Reservations of funds.

(a) The Assistant Secretary hereby reserves an amount equal to 5 percent of the sums appropriated under the Act for any fiscal year for the purposes of metropolitan area projects under subpart D of this part.

(Public Law 92-318, sections 704(b)(1), 709)

(b) The Assistant Secretary hereby reserves:

(1) An amount equal to 4 percent of the sums so appropriated for the purpose of special projects under subpart J of this part;

(2) An amount equal to 4 percent of the sums so appropriated for the purpose of bilingual activities under subpart E of this part;

(3) An amount equal to 4 percent of the sums so appropriated for the purpose of educational television projects under subpart H of this part; and

(4) An amount equal to 1 percent of the sums so appropriated for the purpose of evaluations under subpart I of this part.

(Public Law 92-318, sections 704(b)(2), 768(a), 768(c), 711, 713)

(c) The Assistant Secretary hereby reserves an amount equal to 15 percent of the sums so appropriated for the purpose of the Act for any fiscal year for grants to, and contracts with, local educational agencies for pilot programs or projects pursuant to subpart C of this part.

(Public Law 92-318, section 708(c))

(1) The sums reserved under this paragraph shall be apportioned to each State in accordance with section 705(a)(1) of the Act, and shall be used in such States only for the purposes described in subpart D of this part.

(2) The amount by which the sum apportioned to a State for a fiscal year for the purposes described in this paragraph exceeds the amount which the Assistant Secretary determines will be
required for such fiscal year for such pilot programs or projects shall be available for reapportionment to other States in accordance with section 705(b) of the Act for the purposes described in this paragraph. Upon a determination by the Assistant Secretary that no need exists in any State for funds for such purposes, such excess amount shall be available for reapportionment to other States in accordance with section 705(b) of the Act for grants or contracts pursuant to subpart B of this part. Upon a further determination by the Assistant Secretary that no need exists in any State for funds for the purposes described in subpart B of this part, such remaining excess amount shall be available for reapportionment to other States in accordance with section 705(b) of the Act for grants or contracts pursuant to subpart C of this part.

§§ 185.96-185.100 [Reserved]

APPENDIX A—GRANT TERMS AND CONDITIONS

1. Definitions.
2. Scope of the project.
3. Limitations on costs.
4. Accounts and records.
5. Payment procedures.

(b) The Grantee may transfer funds among the direct-cost object class budget categories to the extent necessary to assure the effectiveness of the project, subject to the following restrictions: For each budget period, prior written approval must be obtained from the Grants Officer if (1) the grant budget is over $100,000, or the cumulative amount of transfers among the direct-cost object class budget categories exceeds $10,000, or a percent of the grant budget is greater; (2) the grant budget is $100,000 or less and the cumulative amount of transfers among the direct-cost object class budget categories exceeds 5 percent of the grant budget; or (3) any revisions involve in the transfer of amounts budgeted for indirect costs to direct costs. In multiple funded projects, no transfer of funds is authorized which will cause such funds to be used for purposes other than those originally intended.

(c) Funds for the production of audio visual materials and equipment, such as pictures, films, slides, tape recordings, exhibits, or combinations thereof, may be used for educational or training purposes other than those originally intended.

(d) In the case of educational training programs, the approved budget shall be extended by the Grants Officer.

§ 185.402 [Reserved]
RULES AND REGULATIONS

15. Property management.—(a) Definitions. The following definitions apply:

(1) Property means land, land improvements, structures, and appurtenances thereto, excluding movable machinery and equipment.

(2) Personal property. Personal property means property of any kind except real property (having physical existence) or intangible (having no physical existence, such as patents, inventions, and copyrights).

(b) Nonexpendable personal property. Nonexpendable personal property means tangible personal property having a useful life of more than 1 year and a total acquisition cost of $500 or more per unit. A Grantee may use its own definition of nonexpendable property provided that such definition would at least include all tangible personal property as defined in this paragraph.

(c) Expendable personal property. Expendable personal property refers to all tangible personal property other than nonexpendable personal property.

(d) Personal property acquisitions. Personal property shall be acquired by the Grantee in whole or in part with Federal funds in the performance of the grant, and in quantities and dollar amounts not to exceed those specified elsewhere in this proposal. Real property shall not be acquired in support of the grant.

(e) Title. Title to nonexpendable personal property acquired by the Grantee in whole or in part with Federal funds shall vest in the Grantee. Title to federally owned nonexpendable property, which is provided to the Grantee, shall remain vested in the Federal Government.

(f) The Grantee shall use personal property acquired or provided under the grant solely in the performance of the grant.

(g) Grants from other Federal agencies necessitating use of the property. When the Grantee acquires the property in any of its Federal grant programs, the property may be used for its own official activities in accordance with the following standards:

(1) Nonexpendable property with an acquisition cost of less than $500 and used 4 years or more. The Grantee may use the property for its own official activities without reimbursement to the Federal Government, and sell the property and retain the proceeds.

(2) All other nonexpendable property. The Grantee may retain the property for its own official activities as provided in accordance with applicable Federal laws and regulations. The property may be used by applying the percentage of Federal participation in the grant program to the current fair market value of the property.

(d) Disposition. If the property is not needed for the property, disposition of the property shall be as follows:

(1) Nonexpendable property with an acquisition cost of $1,000 or less. Except for property which meets the criteria of paragraph (d)(2)(a) above, the Grantee shall...
sell the property and reimburse the Federal agency in an amount which is computed in accordance with subdivision (b) of this subparagraph.

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a) The recipient shall sell the property and reimburse the Federal agency for the costs incurred in disposing of the property otherwise, he shall be reimbursed by the Federal grantor agency for the costs incurred.

b) All procurement transactions regardless of the amount of money involved, without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The Federal grantor agency may establish competitive conflicts of interest or noncompetitive practices among contractors which may restrict competition or otherwise restrain trade.

c) The recipient shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

(1) Proposed procurement actions shall be reviewed by recipient officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of economic data to determine which would be the most economical, practical procurement.

(2) Invitations for bids or requests for proposals shall be based upon a clear and reasonable specification of the contract or order, and to assure adequate and timely followup of actions taken.

(3) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical ability, experience, and accessibility to other necessary resources.

(4) Procurement records or files for purchases of $2,500 or less need not be so maintained.

(5) The recipient shall include in all contracts and subcontracts provisions for termination by the Federal government in the event that the contractor fails to fulfill in order for his bid to be evaluated by the recipient. Any and all bids may be rejected when it is in the recipient's interest to do so.

(e) The public exigency will not permit the delay incident to advertising.

(f) The material or services to be procured shall be obtained from only one person or firm. (All contemplated sole source procurements where the expenditures is expected to exceed $5,000 shall be referred to the Assistant Secretary for prior approval.)

(g) The aggregate amount involved does not exceed $2,500.

(h) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institution.

(i) The material or services are to be procured and used outside the limits of the United States and its possessions.

(j) No acceptable bids have been received after formal advertising.

(k) The procurements are for highly perishable materials or medical supplies, for materials or services where the prices are established by law, for specialized supplies requiring substantial initial investment for manufacturing or development, or for services purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture and development.

(l) Such procedure is otherwise authorized by law, rules, or regulations.

(7) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical ability, experience, and accessibility to other necessary resources.

(8) Procurement records or files for purchases of $2,500 or less need not be so maintained.

(9) A system for contract administration shall be maintained to ensure contractor performance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely followup of all procurements.

(10) The recipient shall include, in addition to provisions to define a sound corporate and place the basis for the cost or price negotiated.

(11) A system for contract administration shall be maintained to ensure contractor performance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely followup of all purchases.

(12) The recipient shall include, in addition to provisions to define a sound corporate and place the basis for the cost or price negotiated.

(13) Contracts shall contain such contractual provisions which will be appropriate for administrative, contractual, or legal remedies in instances where contractors violate or breach contracts' terms, and provide for such sanctions and penalties as may be necessary.

(14) All contracts, amounts for which are in excess of $2,500 must contain suitable provisions for termination by the recipient including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall contain conditions

FEDERAL REGISTER, VOL. 38, NO. 24—TUESDAY, FEBRUARY 6, 1973
RULES AND REGULATIONS

17. Health and safety standards. Whenever the Grantee, acting under the terms of the grant, shall rent, lease, purchase, or otherwise obtain classroom facilities (or any other facilities) which will be used by students and faculty, the Grantee shall comply with all health and safety regulations and laws applicable to similar facilities being used in that locality for such purposes.

18. Compensation. If a staff member is involved simultaneously in two or more projects supported by funds from the Federal Government, he may not be compensated for more than a total of 100 percent time from such Government funds for all projects during any given period of time. The Grantee shall not use any grant funds or funds from other sources to pay a fee to, or travel expenses of, employees of the Department for lectures, attending programs, functions and other activities in connection with the grant.

19. Labor standards. To the extent that grants-related work involves alteration and repair (including painting and decorating) of facilities, the Grantee shall furnish the Grants Officer with the following:

(a) A description of the alteration or repair work and the estimated cost of the work to be performed at the site;

(b) The proposed advertising and bid opening dates for the work;

(c) The city, county, and State at which the work will be performed; and

(d) The name and address of the person to whom the necessary wage determination and labor standards provisions are to be sent for inclusion in contracts, not later than 6 weeks prior to the advertisement for bids for the alteration or repair work to be performed. The Grantee shall also include or have included in all such alterations or repairs the wage determination and labor standards provisions that are provided and required by the Secretary of Labor under 29 CFR Parts 3 and 19.

20. Equal employment opportunity. With respect to repair and minor remodeling, the Grantee shall comply with and provide for Contractor and Subcontractor compliance with the requirements of Executive Order 11246, as amended, as implemented by 41 CFR Part 60. The terms required by Executive Order 11246 will be included in any contract for construction work, or modification thereof, as directed in said Executive order.

21. Use of consultants. (a) The hiring of and payments to consultants shall be in accordance with applicable State and local laws and regulations and grantee policies. However, for the use of and payment to consultants whose rate will exceed $100 per day, prior written approval for the use of such consultants must be obtained from the Grants Officer.

(b) The Grantee must maintain a written report for the files on the results of all consultations charged to this grant. This report must include, as a minimum: (1) the consultant's name, dates, hours, and amount charged to the grant; (2) the names of the grantee staff to whom the services are provided; and (3) the results of the subject matter of the consultation.

22. Clearance of forms. To permit monitoring and clearance, the Grantee is to submit to the appropriate Project Officer, prior to use, five copies of all tests, questionnaires, interview schedules or guides, and rating scales which are to be employed in collecting data from 10 or more individuals or organizations. A brief report of related information (such as purposes of the study, relevance of the data-gathering instruments to these purposes, nature of the sample, number of respondents, burden on respondents, etc.) must accompany the copies of the instruments, in accordance with directions from the Department.

Exceptions:

(a) Copies need not be submitted of conventional instruments which deal solely with (1) cognitive functions or technical production, (2) scholastic aptitude, school achievement, etc.), (2) routine demographic information, or (3) routine institutional information; but a report of the "related information" (as specified above) concerning the particular data-gathering instruments must be supplied to the Project Officer in order to permit appropriate monitoring and clearance.

(b) Ordinary classroom tests employed in the development of a new curriculum or as part of the regular instructional routine, constituting part of the project for which funds are granted, need be neither reported nor submitted; but final tests employed in such a project, serving purposes of evaluation, must be reported; and, if significantly unusual in such essential features as content, directions, form of response, etc., must be submitted in five copies.

(c) Grant-related income and investment income. (a) Interest or other income earned by investment of the grants funds is termed "Investment Income." Grantees other than a State or State agency shall return such funds to the Assistant Secretary, State or State agencies are not accountable for their use of Investment Income.

(b) Royalties received from copyrights and patents, funds received from sale of products or services, fees received for personal services, where such funds are derived from activities supported or funded by the grant, are termed "Grant Related Income." Accountability for Grant Related Income shall be satisfied in accordance with the following requirements.

(1) Funds received from royalties on copyrights or patents during the grant period shall be retained by the Grantee and either (a) added to the funds already committed to the program, or (b) deducted from total project costs for the purpose of determining the net costs on which the Federal share of cost will be based.

(2) After termination or completion of the grant, the Federal share of royalties in excess of $200 received annually shall be returned to the Assistant Secretary for deposit as Miscellaneous Receipts in the U.S. Treasury. The Federal share of royalties shall be computed on the same basis as the Federal share of the total project cost.

(3) All other income earned during the grant period shall be retained by the Grantee and shall be either (a) added to funds committed to the project by the Government and the Grantee and used to further eligible program objectives, (b) deducted from the total project costs of the grant for the purposes of the study, (c) used to reimburse the Grantee for allowances, fees, or expenses charged to this grant, or (d) reimbursed the Grantee for allowable costs.

(4) The expenditure of the Federal share of Grant Related Income shall not be considered in meeting cost sharing or matching requirements, except under those programs where it is clear that legislative intent was to permit such income to be used for such purposes.

(5) If the Grantee receives any grant-related income, in connection with the grant, the maintenance of records of the receipt and disposition of the grant-related income shall be in accordance with the requirements set forth in Term and Condition No. 6, "Accounts and Records."

24. Changes in key personnel. The Project Director and other grant personnel specified by name in the proposal are considered to be essential to the work being performed. If for any reason substitution of a specified individual is necessary, the Grantee shall provide timely written notification to the Grants Officer. Such written notification shall include the successor's name with a resume of his qualifications.

25. Animal care. Where research animals are used in any project financed wholly or in part with Federal funds, every precaution shall be taken to assure proper care and humane treatment of such animals.

[FR Doc.73-2332 Filed 2-5-73 8:45 am]
OFFICE OF MANAGEMENT AND BUDGET

REPORT UNDER FEDERAL IMPOUNDMENT AND INFORMATION ACT
OFFICE OF MANAGEMENT AND BUDGET

REPORT UNDER FEDERAL IMPOUNDMENT AND INFORMATION ACT

February 5, 1973

Honorable Spiro T. Agnew,
President of the Senate,
Washington, D.C., January 29

DEAR Mr. PRESIDENT: The enclosed report is submitted pursuant to title IV of Public Law 92-599, the "Federal Im­

poundment and Information Act." In ac­

cordance with that Act, the report is to be transmitted to the Congress and to the Comptroller General of the United States, and will be published in the Federal Register.

The pressure of work on the formulation of the 1974 Budget—which was sent to the Congress on January 29—taxed our staff resources to capacity (and possibly beyond) for the last 3 months. As soon as the 1974 Budget was being completed, we began to compile this report so that it could be transmitted to the Congress at the earliest possible date. We believe that the report is complete and we have furnished it as quickly as possible under the prevailing circumstances.

Sincerely,

ROY L. ASH,
Director.

BUDGETARY RESERVES AS OF JANUARY 29, 1973

Introduction. The Director of the Office of Management and Budget, under authority delegated by the President, is required to apportion funds provided by the Congress. The apportionments are required under the Antideficiency Act (31 U.S.C. 665) and generally are for the current fiscal year. Under the law, apportionments limit the amounts which may be obligated during specific periods. The Antideficiency Act authorizes the withholding of funds from apportionment to provide for contingencies; or to effect savings made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which the funds were made available. There are also occasions when specific provisions of law provide that the funds should be available for use over periods longer than one year; in such cases, they generally are not fully apportioned in the current year, and the unapportioned part is withheld, to be released later for use in the next year or years. Thus, some amounts are withheld from apportionment, either temporarily or for longer periods. In these cases, the funds not apportioned are said to be held or placed in "reserve." This practice is one of long standing and has been exercised by all recent administrations as a customary part of financial management.

On occasion the Congress has explicitly required that an amount be placed in reserve pending an administrative determination of need (e.g., the 1973 Agriculture-Environmental and Consumer Protection Appropriation Act—Public Law 92-399). Most reserves, however, are established upon the initiative of the Executive branch based on an operation of the applicable statute or the specific projects or activities. For example, when the required amount of work can be accomplished at less cost than had been anticipated when the appropriation was made, a reserve assures that savings can be realized and, if appropriate, returned to the Treasury. In other cases, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, or (4) the arrival of certain contingencies under which the funds might be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

From time to time additional reserves are established for such reasons as the necessity to conform to the requirements of other laws. An example is the executive's responsibility to stay within the statutory limitation on the outstanding public debt.

The total of all current reserves is 3.5 percent of the total unified budget outlays for fiscal year 1973 (as estimated in the 1974 Budget). The comparable percentage at the end of fiscal years 1969 through 1961 ranged from 7.5 percent to 8.7 percent. At the end of fiscal year 1967, it stood at 6.7 percent. At the end of 1972, it was 4.6 percent. But a range in the neighborhood of 6 percent has been normal over most of the last decade.

Report required by law. This report is submitted in fulfillment of the requirements of title IV of Public Law 92-599, the "Federal Impoundment and Information Act," which provides for a report of "im­

poundments," and certain other information pertaining thereto. This report lists the budgetary reserves which were in effect as of January 29, 1973.

The reserves listed are consistent with the 1974 Budget, transmitted to the Congress on January 29, 1973. Therefore, the estimated fiscal, economic, and budgetary effects of these reserves have been reflected in the estimates and other information in that budget. (This statement is made in response to item No. 7 of the Federal Impoundment and Information Act.)

The Anti-deficiency Act requires that all apportionments be reviewed at least quarterly, and that reapportionments be made or rescissions be established, modified, or released as may be necessary to further the effective use of the funds concerned. Thus, in answer to item No. 5 of the Federal Impoundment and Information Act, the period of time during which funds are to be in reserve is dependent in all cases upon the results of such inter­

review.

Several rescissions of 1973 appropriations have been proposed to the Congress in the 1974 Budget. These amounts have been apportioned and are under consid­

ering congressional action (that is, they have not been placed in reserve). The items and amounts proposed for rescis­sion are as follows:

Department of Health, Education, and Welfare:

Food and Drug Administra­tion: Food, drug, and prod­

ucts safety. 377,262,000

Health Services and Mental Health Administration: In­

dian health services. 4,708,000

Office of Education:

Indian education. 18,000,000

Higher education. 44,300,000

Library resources. 2,897,000

Educational re­

ews. 11,600,000

Department of Labor: Manpower Administration: Manpower Training Services. 283,891,000

The remainder of this report lists, by agency, all accounts for which some funds are reserved. For each account, it:

Presents the amount apportioned for the current fiscal year.

Presents the amount in reserve.

States whether the amount reserved will be legally available for obligation in the next fiscal year.

Indicates the date of the reserve action and the effective date of the reserve.

Presents (by code) authority and reason for the reserve, without necessarily exhausting all possible authorities and reasons.

Codes used in the remainder of this report for the authorities and reasons for the reserve actions are described below:

Code Authority and reason for present action

1 "To provide for contingencies" (31 U.S.C. 665 (c) (1)).

2 "To effect savings whenever available, and economical use" of funds available for periods beyond the current fiscal year (31 U.S.C. 665 (c) (2)).

3 To reduce the amount of or to avoid requesting a deficiency or supplemental appropriation in cases of: (a) a rescission available for obligation for only the current fiscal year (31 U.S.C. 665 (c) (1)).

4 To achieve the most effective and economical use of funds available for periods beyond the current fiscal year (31 U.S.C. 665 (c) (1)).

This explanation includes reserves that the agency believes it necessary to carry out the congressional intent that funds provided for purposes greater than 1 year should be so apportioned that they will be available for the future periods.

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**Authority and reason for present action**

- **Authority and reason for present action**
  - Temporary deferral pending the establishment of administrative machinery (not yet in place) or the obtaining of sufficient information (not yet available) properly to apportion the funds and to ensure that the funds will be used in "the most effective and economical" manner (31 U.S.C. 665(c)(1)). This explanation includes reserves for which apportionment awaits the development by the agency of approved plans, designs, specifications.
  - The President's constitutional duty to "take care that the laws be faithfully executed" (U.S. Constitution, Article II, section 3).
  - The President's constitutional authority and responsibility for the conduct of foreign affairs (U.S. Constitution, Article II, section 3).

- **Authority and reason for present action**
  - Amount apportioned reflects the level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.
  - Other. See footnote for each item so coded.

- **Authority and reason for present action**
  - Amount apportioned will not provide sufficient funds in the current fiscal year to cover the total of all outlays in that year contemplated by the individual acts of Congress.

- **Authority and reason for present action**
  - Action taken pursuant to President's responsibility to help maintain economic stability without undue price and cost increases (Public Law 92-210, which amended sec. 203 of Public Law 91-379).

- **Authority and reason for present action**
  - Other. See footnote for each item so coded.
### BUDGETARY RESERVES

(Dollars in thousands)

<table>
<thead>
<tr>
<th>Amount apportioned</th>
<th>Amount in reserve</th>
<th>Available beyond FY 1973?</th>
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<th>Effective date of reserve</th>
<th>Authority and reason for reserve</th>
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<tr>
<td>Rural development service</td>
<td>394</td>
<td>6</td>
<td>No</td>
<td>1/26/73</td>
<td>1/26/73</td>
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<tr>
<td>Dairy and beekeepers indemnity program</td>
<td>7,294</td>
<td>2,500</td>
<td>Yes</td>
<td>1/26/73</td>
<td>1/26/73</td>
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<td><strong>Commodity Credit Corporation:</strong></td>
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<tr>
<td>Limitation on administrative expenses</td>
<td>37,034</td>
<td>2,866</td>
<td>No</td>
<td>1/26/73</td>
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<td><strong>Rural Electrification Administration:</strong></td>
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<tr>
<td>Loans</td>
<td>283,972</td>
<td>456,103</td>
<td>Yes</td>
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<td>Salaries and expenses</td>
<td>16,611</td>
<td>153</td>
<td>No</td>
<td>1/26/73</td>
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<td><strong>Farmers Home Administration:</strong></td>
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<tr>
<td>Rural water and waste disposal grants</td>
<td>30,000</td>
<td>120,000</td>
<td>Yes</td>
<td>1/26/73</td>
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<td>Rural housing for domestic farm labor grants</td>
<td>850</td>
<td>2,947</td>
<td>Yes</td>
<td>1/26/73</td>
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<td>Mutual and self-help housing grants</td>
<td>3,729</td>
<td>832</td>
<td>Yes</td>
<td>9/22/73</td>
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<tr>
<td>Amount allotted</td>
<td>Amount in reserve</td>
<td>Available beyond FY 1973?</td>
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| Department of Agriculture—Continued

Farmers Home Administration: (continued)

Salaries and expenses

<table>
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<tr>
<th>Amount</th>
<th>Reserve</th>
<th>Available beyond FY 1973?</th>
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<tr>
<td>117,914</td>
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<td>1/26/73</td>
<td>1/26/73</td>
<td>6b</td>
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| Rural housing insurance fund
| 2,021,000 | 133,000 | Yes | 1/26/73 | 1/26/73 | 4, 6b |

Soil Conservation Service: Conservation operations

<table>
<thead>
<tr>
<th>Amount</th>
<th>Reserve</th>
<th>Available beyond FY 1973?</th>
<th>Date of Reserve Action</th>
<th>Effective Date of Reserve</th>
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<tbody>
<tr>
<td>170,093</td>
<td>3,607</td>
<td>Yes</td>
<td>1/26/73</td>
<td>1/26/73</td>
<td>6b</td>
</tr>
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</table>
| River basin surveys and investigation
| 14,344 | 156 | Yes | 1/26/73 | 1/26/73 | 6b |
| Watershed planning
| 9,256 | 569 | Yes | 1/26/73 | 1/26/73 | 6b |
| Watershed and flood prevention operations
| 140,287 | 17,412 | Yes | 1/26/73 | 1/26/73 | 6b |

Great Plains conservation service

<table>
<thead>
<tr>
<th>Amount</th>
<th>Reserve</th>
<th>Available beyond FY 1973?</th>
<th>Date of Reserve Action</th>
<th>Effective Date of Reserve</th>
<th>Authority and reason for Reserve</th>
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<tbody>
<tr>
<td>18,265</td>
<td>74</td>
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Resource conservation and development

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<th>Amount</th>
<th>Reserve</th>
<th>Available beyond FY 1973?</th>
<th>Date of Reserve Action</th>
<th>Effective Date of Reserve</th>
<th>Authority and reason for Reserve</th>
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<tr>
<td>25,371</td>
<td>7,929</td>
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Agricultural Marketing Service: Marketing service

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<th>Date of Reserve Action</th>
<th>Effective Date of Reserve</th>
<th>Authority and reason for Reserve</th>
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<tbody>
<tr>
<td>37,151</td>
<td>236</td>
<td>No</td>
<td>9/22/72</td>
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<tr>
<td>1,360</td>
<td>700</td>
<td>Yes</td>
<td>6/27/72</td>
<td>7/1/72</td>
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Payments to States and possessions

<table>
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<tr>
<th>Amount</th>
<th>Reserve</th>
<th>Available beyond FY 1973?</th>
<th>Date of Reserve Action</th>
<th>Effective Date of Reserve</th>
<th>Authority and reason for Reserve</th>
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<tbody>
<tr>
<td>1,600</td>
<td>900</td>
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Perishable agricultural commodities act fund

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<th>Reserve</th>
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<tbody>
<tr>
<td>1,353</td>
<td>10</td>
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<td>6/27/72</td>
<td>7/1/72</td>
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<td>Amount apportioned</td>
<td>Amount in reserve</td>
<td>Available beyond FY 1973?</td>
<td>Date of reserve action</td>
<td>Effective date of reserve</td>
<td>Authority and reason for reserve</td>
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<tr>
<td>Department of Agriculture -- Continued</td>
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<tr>
<td>Food Nutrition Service: Food stamp program</td>
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<td>2,336,896</td>
<td>158,854</td>
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<tr>
<td>Forest Service: Forest protection and utilization</td>
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<td>390,919</td>
<td>22,105</td>
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<td>9,208</td>
<td>615</td>
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<td>Construction and land acquisition</td>
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<td>43,401</td>
<td>12,602</td>
<td>Yes</td>
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<td>Youth conservation corps</td>
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<td>3,500</td>
<td>2,097</td>
<td>Yes</td>
<td>1/26/73</td>
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<td>Forest roads and trails and roads and trails for states</td>
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<td>157,848</td>
<td>280,380</td>
<td>Yes</td>
<td>1/26/73</td>
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<td>4, 6b</td>
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<td>Assistance to States for tree planting</td>
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<td>1,119</td>
<td>15</td>
<td>Yes</td>
<td>1/26/73</td>
<td>1/26/73</td>
<td>6b</td>
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<td>Brush disposal</td>
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<td>18,328</td>
<td>18,558</td>
<td>Yes</td>
<td>11/14/72</td>
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<td>Forest fire prevention</td>
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<td>261</td>
<td>134</td>
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<td>11/14/72</td>
<td>11/14/72</td>
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<td>Social and Economic Statistics Administration: Salaries and expenses</td>
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<td>33,787</td>
<td>1,500</td>
<td>No</td>
<td>11/24/72</td>
<td>11/24/72</td>
<td>2, 6b</td>
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<td>1,360</td>
<td>Yes</td>
<td>11/24/72</td>
<td>11/24/72</td>
<td>2, 4</td>
</tr>
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</table>
## Department of Commerce—Continued

### Economic Development Administration
- **Planning, technical assistance, and research**
  - Amount: 29,000
  - Amount in reserve: 2,488
  - Available beyond FY 1973?: No
  - Date of action: 1/18/73
  - Effective date of reserve: 1/18/73
  - Authority and reason for reserve: 2,6b

- **Development facilities**
  - Amount: 211,109
  - Amount in reserve: 8,891
  - Available beyond FY 1973?: No
  - Date of action: 1/18/73
  - Effective date of reserve: 1/18/73
  - Authority and reason for reserve: 2,6b

### Regional Action Planning Commissions
- **Regional development programs**
  - Amount: 44,553
  - Amount in reserve: 1,116
  - Available beyond FY 1973?: Yes
  - Date of action: 11/24/72
  - Effective date of reserve: 11/24/72
  - Authority and reason for reserve: 5

### Domestic and International Business
- **Trade adjustment assistance**
  - Amount: 21,000
  - Amount in reserve: 18,681
  - Available beyond FY 1973?: Yes
  - Date of action: 1/4/73
  - Effective date of reserve: 1/4/73
  - Authority and reason for reserve: 1

### Economic Development Administration—Continued
- **Spokane ecological exposition**
  - Amount: 2,689
  - Amount in reserve: 811
  - Available beyond FY 1973?: Yes
  - Date of action: 11/24/72
  - Effective date of reserve: 11/24/72
  - Authority and reason for reserve: 4,5

### International activities, Inter-American Cultural and Trade Center
- Amount: 100
- Amount in reserve: 5,359
- Available beyond FY 1973?: Yes
- Date of action: 9/29/72
- Effective date of reserve: 9/29/72
- Authority and reason for reserve: 4,5

### Office of Minority Business
- **Minority business development**
  - Amount: 9,935
  - Amount in reserve: 1,188
  - Available beyond FY 1973?: No
  - Date of action: 11/24/72
  - Effective date of reserve: 11/24/72
  - Authority and reason for reserve: 2,6b

  - Amount: 36,065
  - Amount in reserve: 16,768
  - Available beyond FY 1973?: Yes
  - Date of action: 1/26/72
  - Effective date of reserve: 1/26/72
  - Authority and reason for reserve: 2,4,6b

### National Oceanic and Atmospheric Administration
- **Salaries and expenses**
  - Amount: 228,780
  - Amount in reserve: 12,323
  - Available beyond FY 1973?: No
  - Date of action: 1/26/73
  - Effective date of reserve: 1/26/73
  - Authority and reason for reserve: 2,6b

  - Research, development, and facilities
    - Amount: 121,481
    - Amount in reserve: 31,762
    - Available beyond FY 1973?: Yes
    - Date of action: 1/26/73
    - Effective date of reserve: 1/26/73
    - Authority and reason for reserve: 2,4,6b

  - **Satellite operations**
    - Amount: 38,282
    - Amount in reserve: 1,000
    - Available beyond FY 1973?: Yes
    - Date of action: 1/26/73
    - Effective date of reserve: 1/26/73
    - Authority and reason for reserve: 5

  - **Administration of the Pribilof Islands**
    - Amount: 3,032
    - Amount in reserve: 200
    - Available beyond FY 1973?: No
    - Date of action: 1/26/73
    - Effective date of reserve: 1/26/73
    - Authority and reason for reserve: 2,6b

### Patent Office
- **Salaries and expenses**
  - Amount: 66,353
  - Amount in reserve: 1,247
  - Available beyond FY 1973?: No
  - Date of action: 1/26/73
  - Effective date of reserve: 1/26/73
  - Authority and reason for reserve: 2,6b
<table>
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<tr>
<th>Department of Commerce—Continued</th>
<th>Available beyond FY 1973?</th>
<th>Date of reserve action</th>
<th>Effective date of reserve</th>
<th>Authority and reason for reserve</th>
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<tbody>
<tr>
<td><strong>Office of Telecommunications; Research, analysis, and technical services</strong></td>
<td>5,316</td>
<td>1,435</td>
<td>Yes</td>
<td>12/28/72</td>
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<tr>
<td><strong>National Bureau of Standards; Plant and facilities</strong></td>
<td>2,450</td>
<td>1,850</td>
<td>Yes</td>
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<td>Research and technical services</td>
<td>50,400</td>
<td>7,895</td>
<td>No</td>
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<td></td>
<td>2,000</td>
<td>8,812</td>
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<td><strong>Construction of facilities</strong></td>
<td>138</td>
<td>740</td>
<td>Yes</td>
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<tr>
<td><strong>Maritime Administration; Ship construction</strong></td>
<td>421,810</td>
<td>50,000</td>
<td>Yes</td>
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<tr>
<td>Research and development</td>
<td>24,901</td>
<td>5,000</td>
<td>Yes</td>
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<td>Salaries and expenses</td>
<td>25,010</td>
<td>700</td>
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<td>Maritime training</td>
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<td>150</td>
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<td>State marine schools</td>
<td>2,428</td>
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<td><strong>Department of Defense—Military Personnel: Reserve personnel, Marine Corps</strong></td>
<td>71,950</td>
<td>5,106</td>
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<td><strong>Procurement: Aircraft procurement, Army</strong></td>
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<td>Procurement—Continued</td>
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<td>Other procurement, Army</td>
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<td>146,583</td>
<td>21,726</td>
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Shipbuilding and conversion, Navy

<table>
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<tr>
<th>Amount</th>
<th>Amount beyond FY 1973?</th>
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<th>Effective date of reserve</th>
<th>Authority and reason for reserve</th>
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<tr>
<td>1,031,900</td>
<td>145,672</td>
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<td>938,300</td>
<td>427,212</td>
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<td>2,263,500</td>
<td>777,100</td>
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Military Construction: Military construction, Army

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<thead>
<tr>
<th>Amount</th>
<th>Amount in beyond FY 1973?</th>
<th>Date of reserve action</th>
<th>Effective date of reserve</th>
<th>Authority and reason for reserve</th>
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<td>1,199,739</td>
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Military construction, Navy

<table>
<thead>
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<th>Amount</th>
<th>Amount in beyond FY 1973?</th>
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<th>Effective date of reserve</th>
<th>Authority and reason for reserve</th>
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<td>719,073</td>
<td>127,584</td>
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Military construction, Air Force

<table>
<thead>
<tr>
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<th>Amount in beyond FY 1973?</th>
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<td>364,331</td>
<td>123,924</td>
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Military construction, Defense agencies

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Military construction, Army National Guard

<table>
<thead>
<tr>
<th>Amount</th>
<th>Amount in beyond FY 1973?</th>
<th>Date of reserve action</th>
<th>Effective date of reserve</th>
<th>Authority and reason for reserve</th>
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<tr>
<td>20,939</td>
<td>25,327</td>
<td>Yes</td>
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<td>1/8/73</td>
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Military construction, Air National Guard

<table>
<thead>
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<th>Amount in beyond FY 1973?</th>
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Military construction, Army Reserve

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<td>40,163</td>
<td>15,465</td>
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<td>1/8/73</td>
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Military construction, Naval Reserve

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<th>Amount</th>
<th>Amount in beyond FY 1973?</th>
<th>Date of reserve action</th>
<th>Effective date of reserve</th>
<th>Authority and reason for reserve</th>
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<tr>
<td>10,731</td>
<td>25,750</td>
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Military construction, Air Force Reserve

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<td>8,919</td>
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<tr>
<td><strong>Civil Defense:</strong> Research, shelter survey and marking</td>
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<td>23,397</td>
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<td>58,992</td>
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<td><strong>Construction</strong></td>
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<td>1,262,801</td>
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<td><strong>Operation and maintenance</strong></td>
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<td><strong>Panama Canal:</strong> Canal Zone Government, Capital outlay</td>
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<td>7,089</td>
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<td>515</td>
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<td><strong>Wildlife conservation, Air Force</strong></td>
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<tr>
<td>Department of Health, Education, and Welfare</td>
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<td>Amount in beyond FY 1973</td>
<td>Available Date of reserve</td>
<td>Effective Date of reserve</td>
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<tr>
<td>---------------------------------------------</td>
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<tr>
<td>Health Services and Mental Health Facilities: Indian health facilities</td>
<td>43,960</td>
<td>4,623</td>
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<td>National Institutes of Health: Buildings and facilities</td>
<td>14,843</td>
<td>2,000</td>
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<td>Office of Education: Higher education</td>
<td>234,359</td>
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<td>Educational activities overseas (Special foreign currency program)</td>
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<td>Social and Rehabilitation Service: Social and rehabilitation services</td>
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<td>Social Security Administration: Limitation on construction (Trust fund)</td>
<td>33,860</td>
<td>12,095</td>
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<td>Special Institutions: Howard University</td>
<td>54,046</td>
<td>3,714</td>
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<td>Department of Housing and Urban Development</td>
<td>Housing Production and Mortgage Credit: Non-profit sponsor assistance</td>
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<td>Community Development: Open space land programs</td>
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<td>Grants for basic water and sewer facilities</td>
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<td>Office of Interstate Land Sales Registration: Interstate land sales</td>
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**Department of the Interior**

<table>
<thead>
<tr>
<th>Bureau of Land Management: Public lands development roads and trails</th>
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<tr>
<th>Bureau of Indian Affairs: Construction</th>
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<tr>
<th>Bureau of Outdoor Recreation: Land and water conservation</th>
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<tr>
<th>Territorial Affairs: Trust Territories of the Pacific Islands</th>
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<tr>
<th>Geological Survey: Surveys, investigations, and research</th>
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<th>Payments from proceeds, sale of water, Mineral Leasing Act of 1920</th>
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<thead>
<tr>
<th>Bureau of Mines: Drainage of Anthracite mines</th>
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<tr>
<th>Bureau of Sport Fisheries and Wildlife: Migratory bird conservation, receipt limitation</th>
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<td>12,249</td>
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<thead>
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<th>Federal aid in wildlife restoration</th>
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<tr>
<td>43,400</td>
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<td>Department of the Interior—Continued</td>
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<td>National wildlife refuse fund</td>
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<td>Federal aid in fish restoration and management</td>
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<td>National Park Service: Parkway and road construction</td>
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<td>Construction</td>
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<td>Bureau of Reclamation: General investigations</td>
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<td>Loan program</td>
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<td>Construction and rehabilitation</td>
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<td>Operations, maintenance and replacement of project works, North Platte project</td>
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<td>Lower Colorado River Basin development fund</td>
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<td>Upper Colorado River Basin fund</td>
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<td>Office of Water Resources Research: Salaries and expenses</td>
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<td>Authority and reason for reserve</td>
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<tr>
<th>Department of Justice</th>
<th>Bureau of Prisons: Buildings and facilities</th>
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<tr>
<th>Department of State</th>
<th>Administration of Foreign Affairs: Acquisition, operation, and maintenance of buildings abroad</th>
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<td>Amount apportioned</td>
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<td>11/24/72</td>
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<td>Acquisition, operation, and maintenance of buildings abroad, Special foreign currency program</td>
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<th>Department of State</th>
<th>International Organizations and Conferences: International conferences and contingencies</th>
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<td>3,224</td>
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<td>11/15/72</td>
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<th>Educational Exchange: Center for Cultural and Technical Interchange between East and West</th>
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<th>Department of Transportation</th>
<th>Educational exchange fund, payment by Finland WWI debt</th>
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<th>Department of Transportation</th>
<th>Office of the Secretary: Transportation planning, research, and development</th>
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<td>Authority and reason for reserve</td>
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<th>Coast Guard: Operating expenses</th>
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<td>550,400</td>
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<td>Authority and reason for reserve</td>
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<td>Department of Transportation—Continued</td>
<td>Coast Guard—Continued</td>
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<tr>
<td><strong>Acquisition, construction and improvements</strong></td>
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<td>149,685</td>
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<td>Reserve training</td>
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<td>30,465</td>
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<td><strong>Research, development test and evaluation</strong></td>
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<td>15,468</td>
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<td>Alteration of bridges</td>
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<td>3,550</td>
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<td><strong>Federal Aviation Administration: Operations</strong></td>
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<td>1,180,393</td>
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<td>4,000</td>
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<td><strong>Facilities and equipment (Airport and Airway Trust)</strong></td>
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<td>319,962</td>
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<td><strong>Research, engineering, and development (Airport and Airway Trust)</strong></td>
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<td>57,493</td>
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<td><strong>Civil supersonic aircraft development</strong></td>
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<td><strong>Civil supersonic aircraft development termination</strong></td>
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<td>4,161</td>
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<td><strong>Federal Highway Administration: Darien Gap highway</strong></td>
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<td>20,000</td>
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<td><strong>Federal-aid highway</strong></td>
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<td>4,467,000</td>
<td>2,477,372</td>
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<td><strong>Right-of-Way Revolving Fund</strong></td>
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**NOTICES**

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<table>
<thead>
<tr>
<th>Department of Transportation—Continued</th>
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<tbody>
<tr>
<td>National Highway Traffic Administration: Traffic and highway safety</td>
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<tr>
<td>76,885</td>
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<td>Construction of compliance facilities</td>
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<tr>
<td>---9/</td>
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<tr>
<td>Trust fund share of highway safety programs</td>
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<td>80,925</td>
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<tr>
<td>Federal Railroad Administration: High speed ground transportation research and development</td>
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<tr>
<td>42,979</td>
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<td>Grants to National Railroad Passenger Corporation</td>
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<td>Urban Mass Transportation Administration: Urban mass transportation fund</td>
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<td>980,000</td>
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**Department of the Treasury**

**Office of the Secretary:** Construction, Federal Law Enforcement Training Center

| 1,840 | 21,517 | Yes | 6/28/72 | 7/1/72 | 5, 6b |

Expenses of administration of settlement of War Claims Act of 1928

| 22 | 2 | Yes | 4/30/72 | 7/1/72 | 2 |

**Bureau of the Mint:** Construction of mint facilities

| 1,784 | 2,517 | Yes | 8/21/72 | 8/21/72 | 5 |

**Atomic Energy Commission**

**Operating expenses**

| 2,861,569 | 307,750 | Yes | 1/19/73 | 1/19/73 | 2, 5, 6b |

**Plant and capital equipment**

<p>| 542,871 | 8,530 | Yes | 1/19/73 | 1/19/73 | 2, 5 |</p>
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<tr>
<th><strong>Environmental Protection Agency</strong></th>
<th><strong>Operations, research, and facilities</strong></th>
<th><strong>Amount apportioned</strong></th>
<th><strong>Amount in reserve</strong></th>
<th><strong>Available beyond FY 1973</strong></th>
<th><strong>Date of reserve action</strong></th>
<th><strong>Effective date of reserve</strong></th>
<th><strong>Authority and reason for reserve</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Protection Agency</td>
<td>Operations, research, and facilities</td>
<td>108,434</td>
<td>1,780</td>
<td>Yes</td>
<td>1/4/73</td>
<td>1/4/73</td>
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</table>

<table>
<thead>
<tr>
<th><strong>General Services Administration</strong></th>
<th><strong>Real Property Activities: Sites and expenses, Public buildings projects</strong></th>
<th><strong>Construction, Public buildings projects</strong></th>
<th><strong>Property Management and Disposal Activities: Operating expenses</strong></th>
<th><strong>General activities</strong></th>
<th><strong>Authority and reason for reserve</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>38,387</td>
<td>22,206</td>
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<td>1/26/73</td>
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<tr>
<td></td>
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<td>133,213</td>
<td>234,309</td>
<td>Yes</td>
<td>1/26/73</td>
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<tr>
<td></td>
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<td>Property Management and Disposal Activities: Operating expenses</td>
<td>4,418</td>
<td>4,000</td>
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<td></td>
<td></td>
<td>General activities</td>
<td>1,000</td>
<td>800</td>
<td>No</td>
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<table>
<thead>
<tr>
<th><strong>National Aeronautics and Space Administration</strong></th>
<th><strong>Research and development</strong></th>
<th><strong>Environmental Protection Agency</strong></th>
<th><strong>Operations, research, and facilities</strong></th>
<th><strong>Amount apportioned</strong></th>
<th><strong>Amount in reserve</strong></th>
<th><strong>Available beyond FY 1973</strong></th>
<th><strong>Date of reserve action</strong></th>
<th><strong>Effective date of reserve</strong></th>
<th><strong>Authority and reason for reserve</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>2,864,358</td>
<td>32,515</td>
<td>Yes</td>
<td>9/13/72</td>
<td>9/13/72</td>
<td>2,4,5,6b</td>
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</table>

<table>
<thead>
<tr>
<th><strong>Veterans Administration</strong></th>
<th><strong>Medical and prosthetic research</strong></th>
<th><strong>Medical administration and miscellaneous operating expenses</strong></th>
<th><strong>Construction, major projects</strong></th>
<th><strong>Construction, minor projects</strong></th>
<th><strong>Authority and reason for reserve</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>75,824</td>
<td>4,818</td>
<td>Yes</td>
<td>1/26/73</td>
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<td>Medical administration and miscellaneous operating expenses</td>
<td>27,952</td>
<td>837</td>
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<td>Construction, major projects</td>
<td>65,993</td>
<td>60,000</td>
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<tr>
<td></td>
<td></td>
<td>Construction, minor projects</td>
<td>50,000</td>
<td>5,000</td>
<td>Yes</td>
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<tr>
<td>Amount apportioned</td>
<td>Amount in reserve</td>
<td>Available beyond FY 1973?</td>
<td>Date of reserve action</td>
<td>Effective date of reserve</td>
<td>Authority and reason for reserve</td>
</tr>
<tr>
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<td>------------------</td>
<td>---------------------------</td>
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<td>--------------------------</td>
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<tr>
<td><strong>Other Independent Agencies</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>District of Columbia:</strong> Capital outlay, metropolitan area sanitary area work funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>6,252</td>
<td>300</td>
<td>Yes</td>
<td>8/7/72</td>
<td>8/7/72</td>
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<tr>
<td>Loans for capital outlay, sanitary sewage</td>
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<td>4,285</td>
<td>Yes</td>
<td>8/7/72</td>
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<td>Loans for capital outlay, water fund</td>
<td>8,433</td>
<td>2,360</td>
<td>Yes</td>
<td>8/7/72</td>
<td>8/7/72</td>
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<tr>
<td>Loans for capital outlay, general fund</td>
<td>137,000</td>
<td>6,758</td>
<td>Yes</td>
<td>1/26/73</td>
<td>1/26/73</td>
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<tr>
<td><strong>Federal Communications Commission:</strong> Salaries and expenses</td>
<td>35,443</td>
<td>460</td>
<td>No</td>
<td>9/5/72</td>
<td>9/5/72</td>
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<tr>
<td><strong>Federal Metal and Nonmetallic Safety Board of Review:</strong> Salaries and expenses</td>
<td>75</td>
<td>85</td>
<td>No</td>
<td>9/8/72</td>
<td>9/8/72</td>
</tr>
<tr>
<td><strong>Federal Trade Commission:</strong> Salaries and expenses</td>
<td>29,874</td>
<td>400</td>
<td>No</td>
<td>9/21/72</td>
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<tr>
<td><strong>Foreign Claims Settlement Commission:</strong> Salaries and expenses</td>
<td>693</td>
<td>50</td>
<td>No</td>
<td>11/14/72</td>
<td>11/14/72</td>
</tr>
<tr>
<td>Payments to Vietnam and U.S. Pueblo prisoner of war claims</td>
<td>23</td>
<td>150</td>
<td>Yes</td>
<td>9/2/71</td>
<td>7/1/72</td>
</tr>
<tr>
<td><strong>American Revolution Bicentennial Commission:</strong> Commemorative activities fund</td>
<td>3,960</td>
<td>5,690</td>
<td>Yes</td>
<td>11/28/72</td>
<td>11/28/72</td>
</tr>
<tr>
<td><strong>International Radio Broadcasting:</strong> International radio broadcasting activities</td>
<td>38,520</td>
<td>275</td>
<td>No</td>
<td>11/6/72</td>
<td>11/6/72</td>
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</table>
### Other Independent Agencies—Continued

<table>
<thead>
<tr>
<th>National Science Foundation: Salaries and expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount</td>
</tr>
<tr>
<td>611,273</td>
</tr>
<tr>
<td>Scientific activities, Special foreign currency program</td>
</tr>
<tr>
<td>5,000</td>
</tr>
<tr>
<td>Railroad Retirement Board: Limitation on railroad unemployment administration fund</td>
</tr>
<tr>
<td>8,568</td>
</tr>
<tr>
<td>Renegotiation Board: Salaries and expenses</td>
</tr>
<tr>
<td>4,842</td>
</tr>
<tr>
<td>Small Business Administration: Salaries and expenses</td>
</tr>
<tr>
<td>107,232</td>
</tr>
<tr>
<td>Business loan and investment fund</td>
</tr>
<tr>
<td>593,678</td>
</tr>
<tr>
<td>Temporary Study Commission: Commission on Executive, Legislative, and Judicial Salaries, Salaries and expenses</td>
</tr>
<tr>
<td>25</td>
</tr>
<tr>
<td>Commission on the Organization of the Government for the Conduct of Foreign Policy, Salaries and expenses</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>Tennessee Valley Authority: Payment to Tennessee Valley Authority Fund</td>
</tr>
<tr>
<td>94,564</td>
</tr>
<tr>
<td>United States Information Agency: Salaries and expenses, Special foreign currency program</td>
</tr>
<tr>
<td>12,186</td>
</tr>
<tr>
<td>Special international exhibits</td>
</tr>
<tr>
<td>5,827</td>
</tr>
<tr>
<td>Special international exhibits, Special foreign currency program</td>
</tr>
<tr>
<td>391</td>
</tr>
</tbody>
</table>
Amount apportioned | Amount in reserve | Available beyond FY 1973? | Date of reserve action | Effective date of reserve | Authority and reason for reserve
--- | --- | --- | --- | --- | ---
Water Resources Council: | Water resources planning | 6,486 | 863 | Yes | 1/26/73 | 1/26/73 | 2, 5, 6b

1/ Funds have not been apportioned while awaiting the completion of negotiations with the Government of Israel.

2/ P.L. 92-571, "Making further continuing appropriations for fiscal year 1973, and for other purposes," includes a limitation on obligations of $5 million. The reserve will remain in effect until Congress completes final action on its annual limitation on the Foundation's activities.

3/ P.L. 92-399, "Agriculture-Environmental and Consumer Protection Appropriation Act, 1973" requires the creation of certain reserves pending such circumstances as the provision of matching funds by the States, the determination of qualified and necessary projects, the determination of the availability of qualified personnel, and the determination of need.

4/ The Census of Agriculture has been postponed until 1977 to coincide with the economic censuses.

5/ Fees deposited to the Interstate land sales account are used only to the extent funds are not sufficient in the appropriation for Salaries and expenses, Housing Production and Mortgage Credit Programs.

6/ The Department of the Interior has no present plans for the use of these funds which are available only for the development of water wells on public lands.

7/ No improvements are currently necessary. (See footnote 8/).

8/ 66 Stat. 754 requires that certain miscellaneous revenues be deposited in a special fund to provide for the replacement of the project works and to defray annual operating and maintenance expenses when necessary.

9/ Construction is deferred pending evaluation of the alternatives of lease versus direct construction.

10/ P.L. 92-544, "Department of State Appropriation Act, 1973" provides these funds for the activities of a commission. However, P.L. 92-394, "United States Information and Educational Exchange Act of 1948, Amended" authorizes funds in this account to be spent only on grants.
45 U.S.C. 361 authorizes the Railroad Retirement Board to use funds from the Unemployment Trust Fund of 0.25% of the taxable payroll of railroad workers for the administrative expenses of operating the railroad unemployment insurance fund. The amount apportioned represents the actual operating requirements. If the remainder of this formula-based authorization (currently in reserve) is not needed, it will be returned to the Unemployment Trust Fund.

The Commission is not yet in operation.
<table>
<thead>
<tr>
<th>Agency</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Office of the President</td>
<td>3</td>
</tr>
<tr>
<td>Funds Appropriated to the President</td>
<td>127</td>
</tr>
<tr>
<td>Department of Agriculture</td>
<td>1,497</td>
</tr>
<tr>
<td>Department of Commerce</td>
<td>181</td>
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<tr>
<td>Department of Defense--Military</td>
<td>1,899</td>
</tr>
<tr>
<td>Department of Defense--Civil</td>
<td>118</td>
</tr>
<tr>
<td>Department of Health, Education, and Welfare</td>
<td>35</td>
</tr>
<tr>
<td>Department of Housing and Urban Development</td>
<td>529</td>
</tr>
<tr>
<td>Department of the Interior</td>
<td>482</td>
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<tr>
<td>Department of Justice</td>
<td>36</td>
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<tr>
<td>Department of State</td>
<td>6</td>
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<tr>
<td>Department of Transportation</td>
<td>2,937</td>
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<tr>
<td>Department of Treasury</td>
<td>24</td>
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<tr>
<td>Atomic Energy Commission</td>
<td>316</td>
</tr>
<tr>
<td>Environmental Protection Agency</td>
<td>2</td>
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<tr>
<td>General Services Administration</td>
<td>261</td>
</tr>
<tr>
<td>National Aeronautics and Space Administration</td>
<td>33</td>
</tr>
<tr>
<td>Veterans Administration</td>
<td>71</td>
</tr>
<tr>
<td>Other Independent Agencies:</td>
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</tr>
<tr>
<td>National Science Foundation</td>
<td>62</td>
</tr>
<tr>
<td>Small Business Administration</td>
<td>51</td>
</tr>
<tr>
<td>All other</td>
<td>52</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>8,723</strong></td>
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