FEDERAL REGISTER

VOLUME 35 • NUMBER 91

Saturday, May 9, 1970 • Washington, D.C.

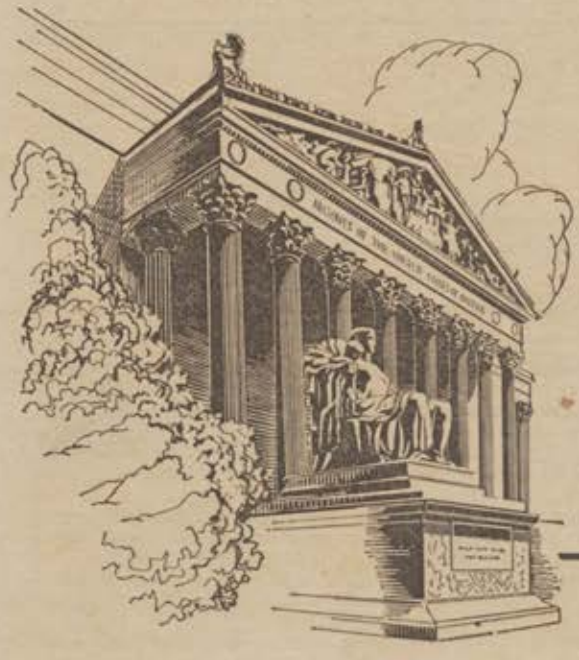
Pages 7279–7356

Part I

(Part II begins on page 7333)

Agencies in this issue—

Detailed list of Contents appears inside.



FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (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.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Contents

(Continued on next page)

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1970, and specifies how they are affected.

5 CFR

213 7283

7 CFR

910 7283
1097 7283
1102 7283
1108 7283

8 CFR

103 7284
204 7284
205 7285
238 7285

9 CFR

76 7285

10 CFR

1 7285

14 CFR

21 7292
29 7293
39 (2 documents) 7293, 7294
71 7294
73 7295
91 7293
121 7293
127 7293
207 7295
208 7295
212 7297
214 7298
221 7298
295 7298

PROPOSED RULES:

71 (5 documents) 7303–7305
75 7305

16 CFR

13 7298

19 CFR

4 (2 documents) 7299

21 CFR

2 7299
120 7300
135e 7300
135g 7300

PROPOSED RULES:

191 7303

26 CFR

13 7300

32A CFR

PROPOSED RULES:

Ch. X 7305

41 CFR

101–26 7301

45 CFR

102 7334
233 7301

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3307 is amended to reflect the current title of the Military Assistant to the President and to show that one position of Staff Assistant to the Military Assistant is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (b) of § 213.3307 is amended as set out below.

§ 213.3307 Department of the Army.

* * * * *

(b) *General.* (1) One Staff Assistant, one Administrative Assistant, and four Private Secretaries to the Military Assistant to the President.

* * * * *

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

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

[F.R. Doc. 70-5831; Filed, May 8, 1970; 10:45 a.m.]

Title 7—AGRICULTURE

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

[Lemon Reg. 426]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.726 Lemon Regulation 426.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 5, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 10, 1970, through May 16, 1970, are hereby fixed as follows:

(i) District 1: 3,720 cartons;

(ii) District 2: 275,280 cartons;

(iii) District 3: Unlimited.

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

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

Dated: May 6, 1970.

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

[F.R. Doc. 70-5770; Filed, May 8, 1970; 8:50 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk) Department of Agriculture

[Milk Order Nos. 97, 102, 108]

MILK IN THE MEMPHIS, TENN., FORT SMITH, ARK., AND CENTRAL ARKANSAS MARKETING AREAS

Order Terminating Certain Provisions

This termination order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Memphis, Tenn., Fort Smith, Ark., and Central Arkansas marketing areas.

It is hereby found and determined that the following provisions of the orders no longer tend to effectuate the declared policy of the Act:

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

1. In § 1097.51(a), the following words in the introductory text preceding subparagraph (1): "and plus or minus a supply-demand adjustment computed as follows:"; and

2. Subparagraphs (1), (2), and (3) of § 1097.51(a).

PART 1102—MILK IN FORT SMITH, ARK., MARKETING AREA

1. In § 1102.51(a), the following words in the introductory text preceding subparagraph (1): "and plus or minus a supply-demand adjustment computed as follows:"; and

2. Subparagraphs (1), (2), and (3) of § 1102.51(a).

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

1. In § 1108.51(a), the following words in the introductory text preceding subparagraph (1): "and plus or minus a supply-demand adjustment computed as follows:"; and

2. Subparagraphs (1), (2), and (3) of § 1108.51(a).

STATEMENT OF CONSIDERATION

This action will terminate the supply-demand adjustment provisions which adjust Class I milk prices in the three orders. The adjustment is based on changes in the combined receipts of producer milk relative to Class I sales in the three markets.

Termination of the supply-demand provisions in the three orders was requested by Associated Milk Producers, Inc., a cooperative representing more

than 95 percent of the milk from producers supplying each of the three markets. The cooperative indicated that the supply-demand provisions have been inoperative for 2 years and are no longer needed in the orders. In addition, the supply situation for the three markets has changed substantially during the past 2 years, and at times is commingled with supplies for other orders. During this same time the cooperative has initiated a voluntary Class I base plan.

Interested parties were given 15 days to file written data, views, or arguments concerning this termination (35 F.R. 5962). None were filed in opposition to the proposed termination, and since these provisions were suspended indefinitely from the three orders effective March 1, 1968 (33 F.R. 3215 and 3216), good cause exists for making this order effective 30 days after publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the orders are hereby terminated.

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

Effective date: 30 days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 5, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-5709; Filed, May 8, 1970; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Subparagraph (5) of paragraph (e) of § 103.1 is amended to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(e) *Regional commissioners.* * * *

(5) Decisions on requests for revalidation of certain petitions, as provided in § 204.4(b), except when the denial of the request for revalidation of a petition for third or sixth preference is based upon the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act;

* * * * *

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

1. The third and fourth sentences of subparagraph (2) *Certification under section 212(a)(14)* of paragraph (d) *Petitions under section 203(a)(6) of the Act* of § 204.1 *Petition* are amended to read as follows:

§ 204.1 Petition.

* * * * *

(d) * * *

(2) * * * An alien whose occupation is currently listed in Schedule C—Precertification List when that list has not been suspended by the Secretary of Labor will be considered as having obtained a certification under section 212(a)(14) of the Act upon determination by the district director that the alien is qualified for and will be engaged in such occupation and that the alien will not reside in an area excluded from precertification by the Secretary of Labor. In the case of a beneficiary who the district director finds is a member of a profession for which the Secretary of Labor does not require a job offer or a person with exceptional ability in the sciences or arts, but who is not included in Schedule A (29 CFR Part 60), the district director will refer Form ES–575A to the appropriate Regional Manpower Administrator for a determination as to whether an individual labor certification will be issued.

* * * * *

2. The first two sentences of subparagraph (1) of paragraph (e) of § 204.2 are amended to read as follows:

§ 204.2 Documents.

* * * * *

(e) *Evidence of professional status or of exceptional ability in sciences or arts*—(1) *General.* A petition seeking to classify an alien as a member of a profession for which the Secretary of Labor does not require a job offer or as an alien with exceptional ability in the sciences or arts within the meaning of section 203(a)(3) of the Act must be submitted to the Service with Form ES–575A properly executed in accordance with the instructions for completion of that form and accompanied by the evidence of the beneficiary's qualifications specified in those instructions. A petition seeking to classify an alien as a member of a profession for which the Secretary of Labor does require a job offer must be submitted to the Service with the documents described in the preceding sentence and Form ES–575B bearing an individual Depart of Labor certification. * * *

* * * * *

3. Section 204.4 is amended to read as follows:

§ 204.4 Validity of approved petitions.

(a) *Relative petitions.* The approval of a petition to classify an alien as a preference immigrant under section 203(a)(1), (2), (4), or (5) of the Act, or as an immediate relative under section 201(b) of the Act, shall remain valid for the duration of the relationship to the petitioner, and status, as established in the petition.

(b) *Petitions under section 203(a)(3) and (6).* The approval of a petition to classify an alien as a preference immigrant under section 203(a)(3) or (6) of the Act shall remain valid for a period of 1 year. If the petition is supported by an individual labor certification issued under section 212(a)(14) of the Act, the period of validity shall run from the date the certification was signed by the designated Labor Department official. If the petition at time of approval is supported by a blanket labor certification for an occupation on Schedule A or Schedule C—Precertification List when that list has not been suspended (29 CFR Part 60) the period of validity shall run from the date of approval of the petition.

(c) *Revalidation of petitions under section 203(a)(3) and (6).* A petition approved for status under section 203(a)(3) or (6) of the Act which was automatically revoked pursuant to Part 205 of this chapter because of failure to obtain a visa within the prescribed period of time, may be revalidated by a district director or a U.S. consular officer retroactively as of the date of initial approval. Except for an occupation or occupational group for which the Secretary of Labor requires an individual revalidation of the labor certification, a petition under section 203(a)(3) may be revalidated for 1-year periods provided the beneficiary has retained his status as established in the petition. Except for an occupation or occupational group for which the Secretary of Labor requires an individual revalidation of the Labor certification, a petition under section 203(a)(6) may be revalidated for 1 year periods provided the beneficiary has retained his status as established in the petition and the petitioner desires and intends to employ the beneficiary in the capacity indicated in the petition. If the Secretary of Labor revalidates an individual certification, a petition under section 203(a)(3) or (6) may be revalidated for a period of 1 year from the date the revalidation of the certification was signed by the designated Labor Department official, provided the beneficiary has retained his status as established in the petition, and provided further that in a petition under section 203(a)(6), the petitioner desires and intends to employ the beneficiary in the capacity indicated in the petition. If a consular officer declines to revalidate a petition on a ground other than lack of a labor certification, he shall forward it to the Service office of origin for decision. If revalidation is not granted, the petitioner shall be notified of the reasons therefor, and shall have 15 days after the mailing of the notification of decision within which to appeal, as provided in Part 103 of this chapter. However, no appeal shall lie from a decision denying a request for revalidation when the denial is based on lack of a labor certification. When a visa petition has been approved and subsequently a new petition by the same petitioner is approved in behalf of the same beneficiary, the latter approval shall be regarded as a revalidation of the original petition.

(d) *Revocation.* The validity of any petition under this section may be revoked pursuant to the provisions of Part 205 of this chapter prior to the time limitations set forth herein.

PART 205—REVOCATION OF APPROVAL OF PETITIONS

§ 205.1 [Amended]

Section 205.1 *Automatic revocation* is amended by deleting paragraph (c) *Revalidation.*

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

The listing of transportation lines under "At Montreal" of § 238.4 *Preinspection outside the United States* is amended by deleting the following transportation line: "Aztec Aviation, Inc." and by adding the following transportation line in alphabetical sequence: "Western Skyways, Inc."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance because the amendments to §§ 103.1(e)(5), 204.1(d)(2), 204.2(e)(1), 204.4, and 205.1 relate to agency procedure and the amendment to § 238.4 adds a transportation line to the listing.

Dated: May 5, 1970.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 70-5704; Filed, May 8, 1970; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, 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:

1. In § 76.2, the reference to the State of New Hampshire in the introductory portion of paragraph (e) and subparagraph (e)(10) relating to the State of New Hampshire are deleted.

2. In § 76.2, in subparagraph (e)(20) relating to the State of Virginia, a new subdivision (xvi) relating to Rockingham County is added to read:

(20) *Virginia.* * * *

(xvi) That portion of Rockingham County bounded by a line beginning at the junction of Primary Highway 42 and Secondary Highway 721; thence, following Primary Highway 42 in a southwesterly direction to Secondary Highway 765; thence, following Secondary Highway 765 in a generally southwesterly direction to Secondary Highway 763; thence, following Secondary Highway 763 in a northwesterly direction to Secondary Highway 613; thence, following Secondary Highway 613 in a northerly direction to Secondary Highway 771; thence, following Secondary Highway 771 in a northwesterly direction to Secondary Highway 773; thence, following Secondary Highway 773 in a northeasterly direction to the Linville-Central District line; thence, following the Linville-Central District line in a northwesterly direction to Little North Mountain boundary; thence, following the Little North Mountain boundary 2¾ miles in a northeasterly direction along Little North Mountain boundary; thence, following the eastern slope of Little North Mountain boundary in a southeasterly direction to the junction of Secondary Roads 877 and 776; thence, following Secondary Highway 776 in a southeasterly direction to Secondary Highway 613; thence, following Secondary Highway 613 in a southwesterly direction to Secondary Highway 774; thence, following Secondary Highway 774 in a southeasterly direction to Secondary Highway 876; thence, following Secondary Highway 876 in a southeasterly direction to Secondary Highway 752; thence, following Secondary Highway 752 in a northerly direction to Secondary Highway 721; thence, following Secondary Highway 721 in a southeasterly direction to its junction with Primary Highway 42.

3. In § 76.2, in subparagraph (e)(8) relating to the State of Mississippi, subdivision (iv) relating to Monroe County and subdivision (v) relating to Monroe and Lee Counties are deleted.

4. In § 76.2, in subparagraph (e)(4) relating to the State of Illinois, a new subdivision (vii) relating to Kendall County is added to read:

(4) *Illinois.* * * *

(vii) That portion of Kendall County comprised of Kendall and Fox Townships.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Kendall County in Illinois and a portion of Rockingham County in Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such counties.

The amendments also exclude portions of Monroe and Lee Counties in Mississippi and a portion of Rockingham County in New Hampshire from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of May 1970.

GEORGE W. IRVING, Jr.,
Administrator, Agricultural Research Service.

[F.R. Doc. 70-5710; Filed, May 8, 1970; 8:47 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

Statement of considerations. Notice is hereby given of the revision of 10 CFR Chapter 1, Part 1, "Statement of Organization, Delegations and General Information" of the U.S. Atomic Energy Commission (AEC). The revision changes the title of Part 1 to "Statement of Organization and General Information."

The revision simplifies, clarifies, and brings up to date the descriptions of the most important organizational units, general lines of authority, principal field offices, and approved use of the AEC seal and flag. The AEC Manual and elements of the Management Directives System

contain the detailed and definitive statement of AEC organization, policies, procedures, assignments of responsibility, and delegations. Section 1.2(a) of the revised Part 1 indicates where they may be consulted.

Because this revision relates solely to agency management, notice of proposed rule making and public procedures thereon are unnecessary.

Accordingly, 10 CFR Chapter 1, Part 1, "Statement of Organization and General Information," which is published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER, is revised to read as follows:

Subpart A—Introduction

Sec.
1.1 Creation and authority.
1.2 Organization and procedure.
1.3 Location of principal offices.

Subpart B—Headquarters

1.10 The Commission.

OFFICERS AND OFFICES REPORTING TO THE COMMISSION

1.11 General Manager.
1.12 Director of Regulation.
1.13 Office of the Secretary.
1.14 Office of the General Counsel.
1.15 Office of the Controller.
1.16 Office of Safeguards and Materials Management.
1.17 Office of Hearing Examiners.
1.18 Board of Contract Appeals.
1.19 Atomic Safety and Licensing Board Panel.
1.20 Atomic Safety and Licensing Appeal Board.
1.21 Committees and Boards authorized specifically by the Act.
1.22 Other Committees, Board and Panels.

OFFICES AND DIVISIONS SUPERVISED BY THE GENERAL MANAGER

1.25 Division of Inspection.
1.26 Office of the Special Assistant for Disarmament.
1.27 Office of Congressional Relations.
1.28 Division of Industrial Participation.
1.29 Division of Intelligence.
1.30 Division of Public Information.

ASSISTANT GENERAL MANAGERS AND OFFICES SUPERVISED BY THEM

1.40 Assistant General Manager for Administration.

DIVISIONS SUPERVISED BY THE ASSISTANT GENERAL MANAGER FOR ADMINISTRATION

1.41 Division of Personnel.
1.42 Division of Classification.
1.43 Division of Security.
1.44 Division of Headquarters Services.
1.45 Division of Technical Information.

INTERNATIONAL ACTIVITIES

1.50 Assistant General Manager for International Activities.

DIVISION SUPERVISED BY THE ASSISTANT GENERAL MANAGERS FOR INTERNATIONAL ACTIVITIES

1.51 Division of International Affairs.

OPERATIONS

1.60 Assistant General Manager for Operations.

DIVISIONS SUPERVISED BY THE ASSISTANT GENERAL MANAGER FOR OPERATIONS

1.61 Division of Contracts.
1.62 Division of Operational Safety.
1.63 Division of Construction.
1.64 Division of Labor Relations.

PLANS AND PRODUCTION

Sec.
1.70 Assistant General Manager for Plans and Production.

DIVISIONS REPORTING TO THE ASSISTANT GENERAL MANAGER FOR PLANS AND PRODUCTION

1.71 Division of Production.
1.72 Division of Operations Analysis and Forecasting.
1.73 Division of Plans and Reports.
1.74 Division of Raw Materials.

MILITARY APPLICATION

1.80 Assistant General Manager for Military Application.

DIVISION SUPERVISED BY THE ASSISTANT GENERAL MANAGER FOR MILITARY APPLICATION

1.81 Division of Military Application.

RESEARCH AND DEVELOPMENT

1.90 Assistant General Manager for Research and Development.

DIVISIONS SUPERVISED BY THE ASSISTANT GENERAL MANAGER FOR RESEARCH AND DEVELOPMENT

1.91 Division of Biology and Medicine.
1.92 Division of Research.
1.93 Division of Peaceful Nuclear Explosives.
1.94 Division of Isotopes Development.
1.95 Division of Nuclear Education and Training.

REACTORS

1.100 Assistant General Manager for Reactors.

DIVISIONS SUPERVISED BY THE ASSISTANT GENERAL MANAGER FOR REACTORS

1.101 Division of Reactor Development and Technology.
1.102 Division of Space Nuclear Systems.
1.103 Division of Naval Reactors.

DIVISIONS SUPERVISED BY THE DIRECTOR OF REGULATION

1.110 Division of Reactor Licensing.
1.111 Division of Reactor Standards.
1.112 Division of Materials Licensing.
1.113 Division of Radiation Protection Standards.
1.114 Division of Compliance.
1.115 Division of Nuclear Materials Safeguards.
1.116 Division of State and Licensee Relations.

Subpart C—Principal Field Offices

1.120 General line of authority.
1.121 Albuquerque Operations Office.
1.122 Brookhaven Office.
1.123 Chicago Operations Office.
1.124 Grand Junction Office.
1.125 Idaho Operations Office.
1.126 Nevada Operations Office.
1.127 New York Operations Office.
1.128 Oak Ridge Operations Office.
1.129 Pittsburg Naval Reactors Office.
1.130 Richland Operations Office.
1.131 San Francisco Operations Office.
1.132 Savannah River Operations Office.
1.133 Schenectady Naval Reactors Office.

Subpart D—Seal and Flag

1.140 Description and custody of seal.
1.141 Use of the seal or replicas.
1.142 Establishment of the official AEC flag.
1.143 Use of the AEC flag.

AUTHORITY: The provisions of this Part 1 are issued under the Atomic Energy Act of 1954, as amended, 68 Stat. 919–961, 42 U.S.C. sec. 2011 et seq., and the Administrative Procedure Act, 5 U.S.C. secs. 552 and 553.

Subpart A—Introduction

§ 1.1 Creation and authority.

The Atomic Energy Commission was established by the Atomic Energy Act of 1946 (60 Stat. 755; 42 U.S.C, 1881 et seq.) approved August 1, 1946, as amended by the Atomic Energy Act of 1954 (68 Stat. 919; 42 U.S.C. 2011 et seq.) approved August 30, 1954 (as amended, called in this part the "Act"). The purposes and statutory programs of the Commission are prescribed by Chapter 1 of the Act.

§ 1.2 Organization and procedure.

(a) As used in this part, the term "Commission" means the five members of the Atomic Energy Commission; "AEC" means the Atomic Energy Commission agency. The definitive statement of the AEC's organization, policies, procedures, assignments of responsibility and delegations of authority is in the Atomic Energy Commission Manual and other elements of the Management Directives System, including local directives issued by Headquarters and Field Offices of the AEC. Copies of the manual and other elements of the Management Directives System are available for public inspection and copying at the Public Document Room, 1717 H Street NW., Washington, D.C., and at each of the Field Offices. Information may also be obtained from the Division of Public Information at Headquarters, or from a public information officer at a Field Office.

(b) Procurement by the AEC is conducted pursuant to the Atomic Energy Act, the Federal Property and Administrative Services Act and other laws and implementing regulations.

(c) Part 9 of this chapter prescribes the rules governing availability of the AEC's public records.

§ 1.3 Location of principal offices.

(a) The AEC Headquarters is located as Germantown, Md. As a part of the Headquarters, facilities are maintained within the District of Columbia at 1717 H Street NW., for the service of process and papers and for other functions. As another part of the Headquarters, facilities of the regulatory staff and certain other divisions are maintained at 7920 Norfolk Avenue, Bethesda, Md. The mail address of the Headquarters is Washington, D.C. 20545.

(b) The addresses of the principal field offices (see Part 1, Subpart C) are:

(1) Albuquerque Operations Office, USAEC, Post Office Box 5400, Albuquerque, N. Mex. 87115.

(2) Brookhaven Office, USAEC, Upton, N.Y. 11973.

(3) Chicago Operations Office, USAEC, 9800 South Cass Avenue, Argonne, Ill. 60439.

(4) Grand Junction Office, USAEC, Post Office Box 2567, Grand Junction, Colo. 81501.

(5) Idaho Operations Office, USAEC, Post Office Box 2108, Idaho Falls, Idaho 83401.

(6) Nevada Operations Office, USAEC, Post Office Box 1676, Las Vegas, Nev. 89101.

(7) New York Operations Office, USAEC, 376 Hudson Street, New York, N.Y. 10014.

(8) Oak Ridge Operations Office, USAEC, Post Office Box E, Oak Ridge, Tenn. 37830.

(9) Pittsburgh Naval Reactors Office, USAEC, Post Office Box 109, West Mifflin, Pa. 15122.

(10) Richland Operations Office, USAEC, Post Office Box 550, Richland, Wash. 99352.

(11) San Francisco Operations Office, USAEC, 2111 Bancroft Way, Berkeley, Calif. 94704.

(12) Savannah River Operations Office, USAEC, Post Office Box A, Aiken, S.C. 29801.

(13) Schenectady Naval Reactors Office, USAEC, Post Office Box 1069, Schenectady, N.Y. 12301.

(c) The addresses of the regional offices of the Division of Compliance (see § 1.114) are:

(1) Region I, Division of Compliance, USAEC, 970 Broad Street, Newark, N.J. 07102.

(2) Region II, Division of Compliance, USAEC, 230 Peachtree Street NW., Atlanta, Ga. 30303.

(3) Region III, Division of Compliance, USAEC, 799 Roosevelt Road, Glen Ellyn, Ill. 60137.

(4) Region IV, Division of Compliance, USAEC, 10395 West Colfax, Denver, Colo. 80215.

(5) Region V, Division of Compliance, USAEC, 2111 Bancroft Way, Berkeley, Calif. 94704.

(d) The addresses of district offices of the Division of Nuclear Materials Safeguards (see § 1.115) are:

(1) District I Safeguards Office, USAEC, 970 Broad Street, Newark, N.J. 07102.

(2) District II Safeguards Office, USAEC, Post Office Box E, Oak Ridge, Tenn. 37830.

(3) District III Safeguards Office, USAEC, 2111 Bancroft Way, Berkeley, Calif. 94704.

Subpart B—Headquarters

§ 1.10 The Commission.

The Atomic Energy Commission, composed of five members, one of whom is designated by the President as Chairman, is established pursuant to section 21 of the Act. The following officials and staff units report directly to the Commission: the General Manager, the Director of Regulation, the Secretary, General Counsel, Controller, Director of Safeguards and Materials Management, Office of Hearing Examiners, Board of Contract Appeals, Atomic Safety and Licensing Board Panel, Atomic Safety and Licensing Appeal Board, and other committees and boards which are authorized or established specifically by the Act. (See §§ 1.21 and 1.22.)

Officers and Offices Reporting to the Commission

§ 1.11 General Manager.

The General Manager is the chief executive officer of the AEC. He is authorized to discharge the administrative and executive (as distinguished from the regulatory) functions of the AEC. The Deputy General Manager is authorized to perform the administrative and executive functions of the General Manager except those for which redelegation of authority is prohibited by statute. The Assistant General Manager performs such functions as the General Manager may authorize. Assistant General Managers for various functions are supervised by the General Manager.

§ 1.12 Director of Regulation.

The Director of Regulation discharges the licensing and other regulatory functions of the AEC, except where final decision rests with a hearing examiner, an atomic safety and licensing board, or the Commission after hearing. He may issue amendments of regulations if the amendments are corrective or are of a minor or nonpolicy nature which do not substantially modify existing regulations affecting the public health and safety, the common defense and security or substantive or procedural rights. The Deputy Director of Regulation is authorized to act in the stead of the Director of Regulation during his absence. The Assistant Director for Administration performs administrative functions assigned by the Director of Regulation.

§ 1.13 Office of the Secretary.

The Office of the Secretary is under the supervision of the Secretary, who reports to the Commission but is also responsible for providing advice and services to the General Manager and the Director of Regulation. The Office develops and administers policies and procedures for secretariat services for the Commission's business and implementation of decisions of the Commission; advises and assists the Commission, the General Manager, and the Director of Regulation in the conduct and scheduling of business of the Commission; administers the AEC history program; and provides administrative support and liaison for advisory committees and certain offices which report directly to the Commission.

§ 1.14 Office of the General Counsel.

The Office of the General Counsel is under the supervision of the General Counsel, who is responsible to the Commission for all legal advice and assistance given by the Office, and furnishes to the General Manager and the Director of Regulation legal advice and assistance necessary to their respective responsibilities. The Office provides legal opinions and counsel on matters concerning the AEC, and administers the patent provisions of the Atomic Energy Act.

§ 1.15 Office of the Controller.

The Office of the Controller is under the supervision of the Controller, who is the chief financial officer of the AEC. The Controller reports administratively to the General Manager, but provides advice and counsel directly to the Commission on financial matters. The Office develops and maintains the AEC's financial management program, administers the financial functions for Headquarters, and certain centralized financial operations; and develops and administers agencywide automated management information systems.

§ 1.16 Office of Safeguards and Materials Management.

The Office of Safeguards and Materials Management is under the supervision of a Director, who reports to the General Manager, but provides advice directly to the Commission on safeguards matters. The Office develops and coordinates the AEC's policies and programs for safeguarding source, special nuclear, and other materials. It develops policies for management and accountability of nuclear materials, and directs the implementation of safeguards and materials management policies affecting field offices and nonlicensed contractors.

§ 1.17 Office of Hearing Examiners.

The Office of Hearing Examiners is under the supervision of the Chief Hearing Examiner. The Office of Hearing Examiners is responsible for conducting hearings and issuing orders and decisions in licensing and other regulatory cases and other adjudicatory proceedings, patent licensing matters under section 153 of the Act, and civil rights matters under the Civil Rights Act of 1964, all as assigned by the Commission.

§ 1.18 Board of Contract Appeals.

The Board of Contract Appeals is under the supervision of a Chairman who is responsible directly to the Commission. The Board decides appeals from decisions of AEC contracting officers under disputes articles of contracts, assesses liquidated damages pursuant to section 104(c) of the Contract Work Hours Standards Act, decides proceedings for debarment of contractors, and may perform other functions in contract administration as assigned by the Commission.

§ 1.19 Atomic Safety and Licensing Board Panel.

The Atomic Safety and Licensing Board Panel's activities are supervised and coordinated by a permanent Chairman and Vice Chairman. The Panel is composed of members who serve on individual boards as assigned. Section 191 of the Act authorizes the Commission to establish one or more atomic safety and licensing boards (see § 1.21(d)). The boards conduct such hearings as the Commission may direct and make such intermediate or final decisions as it may authorize in proceedings to grant, suspend, revoke, or amend licenses or authorizations.

§ 1.20 Atomic Safety and Licensing Appeal Board.

The Atomic Safety and Licensing Appeal Board is composed of the Chairman and Vice Chairman of the Atomic Safety and Licensing Board Panel and a third member designated by the Commission. The Appeal Board reviews initial decisions of presiding officers, including

atomic safety and licensing boards, in (a) such licensing proceedings as may be referred to it by the Commission, (b) proceedings on applications for authorizations under Part 115 of this chapter, and (c) proceedings on applications for licenses under Part 5 of this chapter, for facilities as to which the Commission has made an arrangement for financial assistance under section 31 of the Act, or has waived charges for use of special nuclear material or source material under section 53c(4) or 63c of the Act.

§ 1.21 Committees and boards authorized specifically by the Act.

(a) The General Advisory Committee is established by section 26 of the Act. The members are appointed by the President to advise the Commission on scientific and technical matters relating to materials, production, and research and development.

(b) The Advisory Committee on Reactor Safeguards is established by section 29 of the Act. The Committee reviews safety studies and facility license applications referred to it and makes reports on them, and advises the Commission with regard to the hazards of proposed or existing production and utilization facilities and the adequacy of proposed facility safety standards.

(c) The Military Liaison Committee is established by section 27 of the Act. It serves as liaison between the Commission and the Department of Defense with regard to all atomic energy matters which relate to military applications of atomic weapons or atomic energy.

(d) The Atomic Safety and Licensing Board Panel (see § 1.19) is established pursuant to section 191 of the Act.

(e) The Patent Compensation Board is established by section 157 of the Act. The Board determines just compensation or reasonable royalties when certain actions specified in the Act are taken with regard to patents.

§ 1.22 Other committees, boards and panels.

(a) Additional committees, boards and panels have been established by the Commission pursuant to section 161a of the Act, as follows:

(1) Advisory Committee on Isotopes and Radiation Development;

(2) High Energy Physics Advisory Panel;

(3) Advisory Committee on Medical Uses of Isotopes;

(4) Plowshare Advisory Committee;

(5) Advisory Committee for Biology and Medicine;

(6) Advisory Committee on Reactor Physics;

(7) Committee of Senior Reviewers;

(8) Nuclear Cross Sections Advisory Committee;

(9) Historical Advisory Committee;

(10) Mathematics and Computer Sciences Research Advisory Committee;

(11) Personnel Security Review Board;

(12) Labor - Management Advisory Committee;

(13) Advisory Committee on Technical Information;

(14) Personnel Security Boards;

(15) Technical Information Panel;

(16) Standing Committee on Controlled Thermonuclear Research;

(17) Advisory Committee on Nuclear Materials Safeguards.

(b) The Atomic Energy Labor Management Relations Panel supplements regular conciliation and mediation processes in labor-management disputes in the atomic energy program. The Panel was established at the direction of the President on March 24, 1953, and was transferred from the Federal Mediation and Conciliation Service to the AEC, effective July 1, 1956.

OFFICES AND DIVISIONS SUPERVISED BY THE GENERAL MANAGER

§ 1.25 Division of Inspection.

The Division of Inspection is under the supervision of a Director, who makes reports to the General Manager and the Director of Regulation on matters under their respective responsibilities. If in the Director's opinion his recommendations are not followed by the General Manager or the Director of Regulation, he may report to the Commission. The Division gathers information to show whether contractors, licensees, and officers and employees of the AEC are complying with the provisions of the Act and the rules and regulations of the AEC.

§ 1.26 Office of the Special Assistant for Disarmament.

The Office of the Special Assistant for Disarmament is under the supervision of a Special Assistant for Disarmament, who reports to the General Manager but provides advice directly to the Commission on disarmament matters. The Office develops, coordinates, and executes certain AEC activities in support of the Administration's disarmament program.

§ 1.27 Office of Congressional Relations.

The Office of Congressional Relations is under the supervision of a Director who reports to the General Manager. The Office provides advice and assistance to the Commission, the General Manager, the Director of Regulation, and principal staff on congressional matters; coordinates or supervises all intra-agency congressional relations activities; and maintains liaison with congressional committees and members of Congress.

§ 1.28 Division of Industrial Participation.

The Division of Industrial Participation is under the supervision of a Director who reports to the General Manager. The Division is a focal point for industry with the objective of encouraging private participation and investment in the development and utilization of atomic energy.

§ 1.29 Division of Intelligence.

The Division of Intelligence directs the intelligence functions of the AEC.

§ 1.30 Division of Public Information.

The Division of Public Information develops and directs programs for informing the public about AEC policies, programs, and activities; conducts the public information program for Headquarters; and coordinates the public information programs of Field Offices.

ASSISTANT GENEGAL MANAGERS AND OFFICES SUPERVISED BY THEM

§ 1.40 Assistant General Manager for Administration.

The Assistant General Manager for Administration develops policies and assists the AEC staff in matters involving administration and organization, and develops policies for classification and and declassification of information, office management, Headquarters services, personnel administration, organization and management analysis, security, and dissemination of technical information.

DIVISIONS SUPERVISED BY THE ASSISTANT GENERAL MANAGER FOR ADMINISTRATION

§ 1.41 Division of Personnel.

The Division of Personnel develops and directs programs for personnel administration, organization and management analysis, management directives, and staff requirements and controls.

§ 1.42 Division of Classification.

The Division of Classification develops, recommends, and administers policies, standards, and procedures for classification and declassification of information.

§ 1.43 Division of Security.

The Division of Security coordinates and administers programs for personnel and physical security involving protection of Restricted Data and other classified information, protection of facilities, equipment and materials of security interest, and determination of eligibility for access to Restricted Data and other classified information.

§ 1.44 Division of Headquarters Services.

The Division of Headquarters Services develops and directs programs for provision of services and facilities for Headquarters, and develops policies and procedures for AEC printing and duplicating.

§ 1.45 Division of Technical Information.

The Division of Technical Information develops and administers policies and programs for the communication of scientific and technical information in nuclear science and engineering to scientists, scholars and the public. The Division supervises the Division of Technical Information Extension at Oak Ridge.

INTERNATIONAL ACTIVITIES

§ 1.50 Assistant General Manager for International Activities.

The Assistant General Manager for International Activities develops and directs a program of international cooperation in peaceful uses of atomic energy, and maintains liaison for that purpose with the Department of State, other Executive Branch agencies and

Departments, Congress, international organizations and foreign governments.

DIVISION SUPERVISED BY THE ASSISTANT GENERAL MANAGER FOR INTERNATIONAL ACTIVITIES

§ 1.51 Division of International Affairs.

The Division of International Affairs develops and administers a program of international cooperation in atomic energy, and maintains liaison for that purpose with the Department of State, other Federal agencies, international organizations, and foreign governments. The Division supervises AEC foreign offices at Bombay, Brussels, Buenos Aires, Chalk River, London, Paris, Rio de Janeiro, and Tokyo.

OPERATIONS

§ 1.60 Assistant General Manager for Operations.

The Assistant General Manager for Operations assists the General Manager in all matters involving supervision of Operations Offices, develops policies regarding and provides AEC-wide services involving contracting, operational safety, engineering and construction, labor relations, community affairs, economic impact of AEC program changes in affected geographic areas, and Federal-State cooperation for improvement of workmen's compensation laws related to radiation injuries.

DIVISIONS SUPERVISED BY THE ASSISTANT GENERAL MANAGER FOR OPERATIONS

§ 1.61 Division of Contracts.

The Division of Contracts establishes and maintains policies, standards, and procedures for contracting and procurement and for personal property and supply management, and provides centralized coordination of Headquarters contract actions and field actions requiring Headquarters approval.

§ 1.62 Division of Operational Safety.

The Division of Operational Safety develops and directs programs for the protection of Government and contractor personnel, the public, and property from hazards resulting from operations of AEC not subject to license. The safety program includes radiation protection, industrial safety, environmental pollution control, and related activities.

§ 1.63 Division of Construction.

The Division of Construction develops policies, standards, and procedures for, and functional direction of, AEC-wide activities related to: design and construction of facilities; telecommunications, transportation and traffic management, real estate management, and emergency, disaster, and mobilization planning. The Division also directs the purchase of gas and electric power and the generation of electric power, and reviews and coordinates related contractual matters.

§ 1.64 Division of Labor Relations.

The Division of Labor Relations develops and administers industrial relations policies, standards, and guides applicable to contract operations, and assists in their administration.

PLANS AND PRODUCTION

§ 1.70 Assistant General Manager for Plans and Production.

The Assistant General Manager for Plans and Production develops policies and programs relating to procurement of source materials, manufacture of special nuclear and other materials, and related process development, analysis of operating programs and related long-term forecasting of requirements, and provides central staff services in program planning, project control, reporting, and cost reduction.

DIVISIONS REPORTING TO THE ASSISTANT GENERAL MANAGER FOR PLANS AND PRODUCTION

§ 1.71 Division of Production.

The Division of Production develops and directs programs for production and processing of feed, special nuclear and other special materials, and associated process development.

§ 1.72 Division of Operations Analysis and Forecasting.

The Division of Operations Analysis and Forecasting provides engineering and economic analysis of major technical programs and analysis of the impact of technical considerations on policy formulation for the production, use, and distribution of nuclear materials, and forecasts requirements for and availability of nuclear materials.

§ 1.73 Division of Plans and Reports.

The Division of Plans and Reports supports other divisions in planning, project control, reporting, and cost reduction, and performs certain central staff functions and coordination in these fields. The Division develops, maintains and recommends policies, procedures and systems for increasing the effectiveness of planning.

§ 1.74 Division of Raw Materials.

The Division of Raw Materials develops and directs programs for evaluation of resources, production and acquisition of source materials, and procurement of certain special materials. The Division supervises the Grand Junction Office (see § 1.124).

MILITARY APPLICATION

§ 1.80 Assistant General Manager for Military Application.

The Assistant General Manager for Military Application directs the Division of Military Application.

DIVISION SUPERVISED BY THE ASSISTANT GENERAL MANAGER FOR MILITARY APPLICATION

§ 1.81 Division of Military Application.

The Division of Military Application directs programs of research, development, testing, production, and reliability assessment of nuclear weapons; directs the AEC program for prevention of accidental or unauthorized nuclear detonations; maintains liaison between the AEC and the Department of Defense on nuclear weapons matters; and administers AEC activities under international agreements for cooperation involving nuclear weapons.

RESEARCH AND DEVELOPMENT

§ 1.90 Assistant General Manager for Research and Development.

The Assistant General Manager for Research and Development develops policies and programs for research and development in the physical sciences, biology, medicine, production, and use of radioisotopes and other byproduct material, and use of nuclear explosives for peaceful purposes; and develops policies and programs for nuclear education and training conducted pursuant to section 31 of the Act. He provides program direction, review and coordination of research and development (except reactor and weapons programs) of the multiprogram laboratories and supervision of the Brookhaven Office (see § 1.122).

DIVISIONS SUPERVISED BY THE ASSISTANT GENERAL MANAGER FOR RESEARCH AND DEVELOPMENT

§ 1.91 Division of Biology and Medicine.

The Division of Biology and Medicine plans, develops and directs programs in biomedical research, with emphasis on the biological effects of radiation, the control of radiation and other industrial hazards associated with AEC activities. The Division provides programmatic supervision and direction of the Health and Safety Laboratory, which is a research laboratory under the nonprogrammatic administration of the New York Operations Office.

§ 1.92 Division of Research.

The Division of Research develops, coordinates, and supervises programs for research in the physical sciences and represents and supervises AEC efforts in joint and multiagency research programs.

§ 1.93 Division of Peaceful Nuclear Explosives.

The Division of Peaceful Nuclear Explosives develops policies and conducts programs for utilizing nuclear explosives for peaceful purposes (the Plowshare Program).

§ 1.94 Division of Isotopes Development.

The Division of Isotopes Development formulates and directs programs for the development and demonstration of applications of radioisotopes and radiation, and incorporation of these applications into the national economy; radioisotope distribution by the AEC; development of technology for the production, separation, purification, and encapsulation of radioisotopes; and encouragement of private production and distribution of isotopes.

§ 1.95 Division of Nuclear Education and Training.

The Division of Nuclear Education and Training develops and administers policies and programs with respect to nuclear education and training conducted pursuant to section 31 of the Act; directs

certain organizations conducting educational and training programs under contracts, and coordinates efforts of other Divisions concerned with nuclear education and training.

REACTORS

§ 1.100 Assistant General Manager for Reactors.

The Assistant General Manager for Reactors develops and directs the execution of policies and programs for the development and improvement of nuclear reactors, isotopic power systems, and associated technology, equipment, processes, materials and facilities. He is responsible for technical direction, review, and coordination of reactor research and development programs of the multiprogram laboratories.

DIVISIONS SUPERVISED BY THE ASSISTANT GENERAL MANAGER FOR REACTORS

§ 1.101 Division of Reactor Development and Technology.

The Division of Reactor Development and Technology develops and directs assigned reactor development and technology programs, exclusive of naval and space applications. Its responsibilities include programs for the development and improvement of nuclear reactors, isotopic systems, and associated equipment for civilian and assigned military applications, nuclear safety of such reactors and systems, and fostering the civilian application of nuclear power.

§ 1.102 Division of Space Nuclear Systems.

The Division of Space Nuclear Systems initiates and directs space nuclear research and development programs through the following two offices:

(a) The Space Nuclear Propulsion Office (SNPO) carries out the responsibilities delegated jointly under interagency agreement by the AEC and the National Aeronautics and Space Administration for development of nuclear rocket propulsion systems for space missions. SNPO extensions are located at the Nevada Test Site, Nev., at Cleveland, Ohio, and at Albuquerque, N. Mex.

(b) The Space Electric Power Office (SEPO) carries out AEC responsibilities for establishing and directing programs for development of space reactor and radioisotopic systems for the production of electric power and related power conversion systems; and conducts a base fuel materials research and development program for assigned isotopes.

§ 1.103 Division of Naval Reactors.

(a) The Division of Naval Reactors develops and improves naval nuclear propulsion plants, acts as liaison with the Department of Defense in carrying out naval nuclear propulsion programs, directs assigned civilian power reactor programs, and supervises the Pittsburgh and Schenectady Naval Reactors Offices.

(b) The Schenectady Naval Reactors Office conducts research and development on and design, fabrication, construction, testing, operation, and improvement of assigned naval nuclear propulsion plants (see § 1.133).

(c) The Pittsburgh Naval Reactors Office conducts research and development on and design, fabrication, construction, testing, operation, and improvement of assigned naval nuclear propulsion and civilian power reactor plants; and manages the AEC-Navy zirconium inventory (see § 1.129).

DIVISIONS SUPERVISED BY THE DIRECTOR OF REGULATION

§ 1.110 Division of Reactor Licensing.

The Division of Reactor Licensing administers the licensing of nuclear reactors other than for export, and operators of licensed reactor facilities; provides special assistance as requested in matters involving reactors exempt from licensing; and implements the reactor licensing program.

§ 1.111 Division of Reactor Standards.

The Division of Reactor Standards develops and recommends nuclear safety standards, criteria, guides and codes for the location, design, construction, and operation of nuclear reactors and other production and utilization facilities; provides technical advice and assistance to other divisions and offices, Federal agencies and other organizations on reactor safety; coordinates the participation of the regulatory staff in nuclear safety research and development; and maintains liaison with other divisions and offices, standards associations, Federal agencies and other organizations involved in nuclear standards development.

§ 1.112 Division of Materials Licensing.

The Division of Materials Licensing administers the licensing of the receipt, acquisition, delivery, manufacture, possession, ownership, use, transfer and receipt of source, special nuclear, and byproduct material, other than for export; issuance, renewal, amendment and denial of materials licenses, licenses for nonreactor production and utilization facilities, including facilities for reprocessing irradiated source and special nuclear material, and licenses for nonreactor facility operators.

§ 1.113 Division of Radiation Protection Standards.

The Division of Radiation Protection Standards develops and recommends health and safety standards applicable to licensees to protect against radiation; develops regulations governing the possession, use, and transfer of source, special nuclear and byproduct materials; provides technical assistance to other divisions and offices, Federal agencies and other organizations on radiation protection; and maintains liaison with the Federal Radiation Council and other agencies and organizations involved in standards development and with research and development programs related to radiation health and safety.

§ 1.114 Division of Compliance.

The Division of Compliance develops and administers programs and policies for the inspection and investigation of licensees to ascertain compliance with license provisions and regulations relating to health and safety; establishment of bases to issue or deny, suspend, modify, or revoke a license; investigation of accidents or unusual circumstances involving materials or facilities subject to licensing and regulation; and enforcement. The Division supervises regional offices at Newark, N.J.; Atlanta, Ga.; Chicago, Ill.; Denver, Colo.; and San Francisco, Calif. (For addresses of regional offices see § 1.3(c).)

§ 1.115 Division of Nuclear Materials Safeguards.

The Division of Nuclear Materials Safeguards administers safeguards against diversion of nuclear material held by licensees. The Division participates in the development of policies for safeguarding nuclear materials; reviews and approves licensee safeguards programs, conducts inspections of licensee facilities for compliance with safeguards requirements; and takes enforcement action where warranted. District safeguards staffs are located at Newark, N.J., Oak Ridge, Tenn., and Berkeley, Calif. (For addresses of district regional offices, see § 1.3(d).)

§ 1.116 Division of State and Licensee Relations.

The Division of State and Licensee Relations develops and administers programs and policies for cooperation with States in their assumption of responsibility under section 274 of the Act, indemnification of licensees, export licensing of nuclear facilities and materials, and charging and collecting fees for licensing services.

Subpart C—Principal Field Offices

§ 1.120 General line of authority.

Unless stated otherwise, each principal field office is under the supervision of a Manager of Operations who reports to the General Manager for administrative direction and to appropriate Headquarters Divisions and Offices for functional direction.

§ 1.121 Albuquerque Operations Office.

The Albuquerque Operations Office conducts programs for atomic weapons production and associated functions, including coordination of participation by other field offices in the weapons program; administers contracts with Los Alamos Scientific Laboratory and the Sandia Laboratories for weapons research and development under the technical direction of the Assistant General Manager for Military Application; administers certain assigned programs for nonweapons research and development; administers an exchange program with the United Kingdom on defense; and manages and is responsible for ultimate disposal of the Government-owned community of Los Alamos, N. Mex. The Office supervises the following Area Offices: Amarillo, Tex.; Burlington, Iowa; Dayton (at Miamisburg, Ohio); Kansas City, Mo.; Los Alamos, N. Mex.; Pinellas

(at St. Petersburg, Fla.); Rocky Flats (at Golden, Colo.); and Sandia (at Albuquerque, N. Mex.).

§ 1.122 Brookhaven Office.

The Brookhaven Office is under the supervision of a Manager, who reports to the Assistant General Manager for Research and Development. The Office administers the contract for operation of the Brookhaven National Laboratory, and administers related contracts for services and materials. The Laboratory is engaged in research in reactor development, physics, chemistry, biology, medicine, and isotopes development.

§ 1.123 Chicago Operations Office.

The Chicago Operations Office administers research and development programs, including programs in development of nuclear reactors, reactor systems, and related technology; basic and applied biological, medical and physical science research; contracts for operation of the Ames Laboratory and the Argonne National Laboratory; and coordination and supervision of the Area Office, 200 BEV Accelerator Facility.

§ 1.124 Grand Junction Office.

The Grand Junction Office is under the supervision of a Manager, who reports to the Director, Division of Raw Materials. The Office conducts programs for the acquisition of raw source materials and production and acquisition of uranium concentrates from domestic sources; assists industry in the development of a supply of low-cost nuclear fuel; and collects and evaluates data pertaining to uranium and thorium resources.

§ 1.125 Idaho Operations Office.

The Idaho Operations Office conducts assigned programs for design, construction, and operation of nuclear reactors, and manages the National Reactor Testing Station (NRTS), which is the location of reactor and other projects administered by the Office and other Field Offices.

§ 1.126 Nevada Operations Office.

The Nevada Operations Office manages and operates the Nevada Test Site and other designated test locations within and outside of the United States, provides support to users of test sites, performs support and operating functions at other designated locations under interagency agreements pertaining to tests and related functions, coordinates planning and execution of nuclear explosive testing projects, and supervises the Pacific Area Support Office at Honolulu, Hawaii.

§ 1.127 New York Operations Office.

The New York Operations Office administers assigned research and development programs, including biological, medical, and physical research; isotopes development and assigned reactor development and technology. The Office is responsible for nonprogrammatic administration of the AEC Health and Safety Laboratory.

§ 1.128 Oak Ridge Operations Office.

The Oak Ridge Operations Office conducts programs for production of special nuclear materials, related process development, uranium enrichment services, and other associated activities. It administers research and development and training, including programs in biology and medicine, isotopes development, physical research, reactor development and technology, space nuclear systems, and nuclear education and training; and contracts for operation of the Oak Ridge National Laboratory and other facilities engaged in those activities. It operates the New Brunswick Laboratory, and participates in weapons development and production programs. The Office administers programs for distribution of special nuclear materials and uranium enrichment. It performs statutory functions of the Commission for the city of Oak Ridge. It supervises the following Area Offices: Cincinnati, Ohio; New Brunswick, N.J.; Paducah, Ky.; Portsmouth (at Piketon, Ohio); and Puerto Rico (at Hato Rey, P.R.).

§ 1.129 Pittsburgh Naval Reactors Office.

The Pittsburgh Naval Reactors Office is under the supervision of a Manager who reports to the Director, Division of Naval Reactors. The Office conducts programs for research and development, design, fabrication, construction, testing, operation, and improvement of naval nuclear propulsion and civilian power reactor plants, and manages the AEC-Navy zirconium inventory.

§ 1.130 Richland Operations Office.

The Richland Operations Office conducts programs for production of special nuclear materials and other special materials, management of waste materials, and related process development. It administers research and development and training programs, industrial diversification assistance to local communities, and programs for distribution of plutonium and recovery of plutonium scrap. It performs statutory functions of the Commission for the city of Richland.

§ 1.131 San Francisco Operations Office.

The San Francisco Operations Office administers research and development programs, including programs in weapons development, reactor development and technology, physical research, biology and medicine and peaceful uses of nuclear explosives. The Office administers contracts for operation of the Lawrence Radiation Laboratory and the Stanford Linear Accelerator Center, and supervises the Area Office at Palo Alto, Calif.

§ 1.132 Savannah River Operations Office.

The Savannah River Operations Office conducts programs for production of special nuclear and other materials and fabricated items, related process development, storage and reprocessing of fuels from AEC and other reactors, and administration of, sale, lease, loan, and purchase of certain source and special reactor materials. The Office administers assigned research and development and training programs, and participates with the Albuquerque Operations Office in weapons development and production programs.

§ 1.133 Schenectady Naval Reactors Office.

The Schenectady Naval Reactors Office is under the supervision of a Manager who reports to the Director, Division of Naval Reactors. The Office conducts programs for research and development, design, fabrication, construction, testing, operation, and improvement of assigned naval nuclear propulsion plants.

Subpart D—Seal and Flag

§ 1.140 Description and custody of seal.

(a) Pursuant to the Act, the Commission has adopted an official seal, the description of which is as follows: On a dark blue disk, a stylized atomic symbol consisting of the nucleus, in orange red, surrounded by four electrons tracing their orbit in gold. On a light blue annulet edged in gold the inscription "ATOMIC ENERGY COMMISSION" in upper portion. In lower portion, "UNITED STATES OF AMERICA." A five-pointed gold star appears between the words "ATOMIC" and "UNITED" and another between the words "COMMISSION" and "AMERICA".

(b) The Official Seal is illustrated as follows:

(c) The Secretary is responsible for custody of the impression seals and of replica (plaque) seals.

§ 1.141 Use of the seal or replicas.

(a) The use of the seal or replicas is restricted to the following:

(1) AEC letterhead stationery.

(2) AEC award certificates and medals.

(3) Security credentials and employee identification cards.

(4) AEC documents. These documents include, without limitation, agreements with States, interagency or intergovernmental agreements, foreign patent applications, certifications, special reports to the President and Congress and, at the discretion of the Secretary, other documents as he finds appropriate.

(5) Plaques. The design of the seal may be incorporated in plaques for display in AEC auditoriums, presentation rooms, lobbies, offices of senior officials, on the fronts of buildings occupied by AEC and in other appropriate locations at the discretion of the Secretary.

(6) The AEC flag (which incorporates the design of the seal).

(7) Official films prepared by or for the AEC, which the Director, Division of

Public Information or his designee determines warrant such identification.

(8) Official AEC publications which represent the achievements or mission of AEC as a whole or which are sponsored by AEC and other Government departments or agencies.

(9) Such other uses as the Secretary or his designee finds appropriate.

(b) Any use of the seal or replicas other than as permitted by this section is prohibited.

(c) Any person who uses the official seal in a manner other than as permitted by this section shall be subject to the provisions of 18 U.S.C. 1017, which provides penalties for the wrongful use of an official seal, and other provisions of law as applicable. (See also § 1.143(c).)

§ 1.142 Establishment of the official AEC flag.

The official flag is based on the design of the seal and was designed by the Heraldry Branch of the Office of the Quartermaster General in April 1957. The AEC flag is 4 feet 2 inches by 5 feet 6 inches in size with a 38-inch diameter AEC seal incorporated in the center of a white field and with a yellow fringe. (Reference: Army QMG Dwg. 5-1-230, Nov. 28, 1956.)

§ 1.143 Use of the AEC flag.

(a) The use of the flag is restricted to the following:

(1) On or in front of AEC installation buildings.

(2) At AEC ceremonies.

(3) At conferences involving official AEC participation (including permanent display in AEC conference rooms).

(4) At governmental or public appearances of AEC executives.

(5) In private offices of senior officials.

(6) As otherwise authorized by the Secretary.

(b) The AEC flag must always be displayed with the U.S. flag. When the U.S. flag and the AEC flag are displayed on a speaker's platform in an auditorium, the U.S. flag must occupy the position of honor and be placed at the AEC representative's right as he faces the audience and the AEC flag must be placed at his left.

(c) In order to insure adherence to the authorized uses of the AEC seal and flag as provided herein, a report of each suspected violation of this part or questionable use of the AEC seal or flag should be submitted to the Secretary.

Dated at Germantown, Md., this 5th day of May 1970.

For the Atomic Energy Commission,

W. B. McCool,
Secretary.

[F.R. Doc. 70-5688; Filed, May 8, 1970; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9510; Amdt. 21-31]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Delegation Option Authorization: Issuance of Experimental Certificates

The purpose of this amendment to Part 21 of the Federal Aviation Regulations is to expand the purposes for which experimental certificates may be issued by the holder of a Delegation Option Authorization.

This amendment was proposed in notice No. 69-49 issued on November 8, 1969 (34 F.R. 18094). All the comments received in response to the notice favored the adoption of the amendment. However, upon further review the FAA considers it appropriate to make it clear that the purposes stated in the proposal for which a Delegation Option Authorization manufacturer may issue experimental certificates apply only to the aircraft for which the manufacturer has applied for a type certificate or an amended type certificate. The proposal has been changed accordingly.

In consideration of the foregoing, paragraph (b)(4)(i) of § 21.251 of Part 21 of the Federal Aviation Regulations is amended to read as follows, effective June 8, 1970:

§ 21.251 Limits of applicability.

* * * * *

(b) * * *

(4) The issue of—

(i) Experimental certificates for aircraft for which the manufacturer has applied for a type certificate or amended type certificate under § 21.253, to permit the operation of those aircraft for the purpose of research and development, crew training, market surveys, or the showing of compliance with the applicable airworthiness requirements;

* * * * *

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

Issued in Washington, D.C., on May 4, 1970.

J. H. Shaffer,
Administrator.

[F.R. Doc. 70-5727; Filed, May 8, 1970; 8:48 a.m.]

[Docket No. 9511; Amdts. 29-6; 91-77; 121-61; and 127-17]

COCKPIT VOICE RECORDERS IN HELICOPTERS

Miscellaneous Amendments

The purpose of these amendments to Parts 29, 91, 121, and 127 of the Federal Aviation Regulations is to require the installation and use of approved cockpit voice recorders in large transport category helicopters that are operating under Part 121 or 127, and to prescribe in Part 29 standards governing cockpit voice recorder installations. These amendments were proposed in notice 69-15 issued on March 29, 1969, and published in the Federal Register (34 F.R. 6196) on April 5, 1969.

Certain comments received questioned the value of cockpit voice recorders in helicopters. It should be pointed out that information provided by the recorders will be extremely useful in determining the probable cause of accidents involving helicopters and thereby assist the FAA in taking appropriate accident prevention measures in the interest of safety.

However, as some comments pointed out, if use of only a cockpit mounted area microphone is permitted by the regulations, the recording of voice communications may be rendered unintelligible due to ambient noise levels on some helicopter flight decks and inherent helicopter vibration. In view of this comment, the rule has been changed to permit the installation of continually energized lip microphones or voice-actuated lip microphones at the first and second pilot stations as an alternative to installation of a cockpit-mounted area microphone.

Comments also suggested that voice recorders are not generally available which are constructed to meet the challenges of helicopter vibration and cockpit noise levels, and therefore the compliance date should be extended to allow development of appropriate recorder systems. The FAA has concluded that to insure the availability of equipment and allow for realistic aircraft installation schedules, will require more time for compliance than proposed. Therefore, the compliance date is established as 1 year, rather than 6 months, after the effective date of this amendment.

The National Transportation Safety Board suggested that all turbine-powered aircraft with 10-passenger capacity operated on a scheduled basis be required to have a cockpit voice recorder, and another comment expressed the opinion that al aircraft in scheduled operations should be so equipped. Another comment stated that a flight recorder would provide more useful helicopter accident investigation information than a voice recorder, and if only one recorder is to be required, it should be the former. However, we have not been able to consider these comments in this rulemaking action because they are outside the scope of the notice.

The Air Line Pilots Association (ALPA) supported the requirement for the cockpit voice recorder, but opposed the use of any flight or voice recorder information for punitive action in any way whatsoever by a Government agency, air carrier, or other person. The agency is cognizant of the ALPA's interest and concern regarding the use of voice recorder tapes for purposes other than

the investigation of aircraft accidents. Since this comment reiterates the basis for a petition filed by them with the agency, it will be considered in connection therewith.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 29, 91, 121, and 127 of the Federal Aviation Regulations are amended, effective July 8, 1970, as follows:

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

1. By adding a new § 29.1457 after § 29.1439, to read:

§ 29.1457 Cockpit voice recorders.

(a) Each cockpit voice recorder required by the operating rules of this chapter must be approved, and must be installed so that it will record the following:

(1) Voice communications transmitted from or received in the rotorcraft by radio.

(2) Voice communications of flight crewmembers on the flight deck.

(3) Voice communications of flight crewmembers on the flight deck, using the rotorcraft's interphone system.

(4) Voice or audio signals identifying navigation or approach aids introduced into a headset or speaker.

(5) Voice communications of flight crewmembers using the passenger loudspeaker system, if there is such a system, and if the fourth channel is available in accordance with the requirements of paragraph (c)(4)(ii) of this section.

(b) The recording requirements of paragraph (a)(2) of this section may be met—

(1) By installing a cockpit-mounted area microphone, located in the best position for recording voice communications originating at the first and second pilot stations and voice communications of other crewmembers on the flight deck when directed to those stations; or

(2) By installing a continually energized or voice-actuated lip microphone at the first and second pilot stations.

The microphone specified in this paragraph must be so located and, if necessary, the preamplifiers and filters of the recorder must be so adjusted or supplemented, that the recorded communications are intelligible when recorded under flight cockpit noise conditions and played back. The level of intelligibility must be approved by the Administrator. Repeated aural or visual playback of the record may be used in evaluating intelligibility.

(c) Each cockpit voice recorder must be installed so that the part of the communication or audio signals specified in paragraph (a) of this section obtained from each of the following sources is recorded on a separate channel:

(1) For the first channel, from each microphone, headset, or speaker used at the first pilot station.

(2) For the second channel, from each microphone, headset, or speaker used at the second pilot station.

(3) For the third channel, from the cockpit-mounted area microphone, or the continually energized or voice-actuated lip microphones at the first and second pilot stations.

(4) For the fourth channel, from—

(i) Each microphone, headset, or speaker used at the stations for the third and fourth crewmembers; or

(ii) If the stations specified in subdivision (i) of this subparagraph are not required or if the signal at such a station is picked up by another channel, each microphone on the flight deck that is used with the passenger loudspeaker system if its signals are not picked up by another channel.

(iii) Each microphone on the flight deck that is used with the rotorcraft's loudspeaker system if its signals are not picked up by another channel.

(d) Each cockpit voice recorder must be installed so that—

(1) It receives its electric power from the bus that provides the maximum reliability for operation of the cockpit voice recorder without jeopardizing service to essential or emergency loads;

(2) There is an automatic means to simultaneously stop the recorder and prevent each erasure feature from functioning, within 10 minutes after crash impact; and

(3) There is an aural or visual means for preflight checking of the recorder for proper operation.

(e) The record container must be located and mounted to minimize the probability of rupture of the container as a result of crash impact and consequent heat damage to the record from fire.

(f) If the cockpit voice recorder has a bulk erasure device, the installation must be designed to minimize the probability of inadvertent operation and actuation of the device during crash impact.

(g) Each recorder container must be either bright orange or bright yellow.

PART 91—GENERAL OPERATING AND FLIGHT RULES

§ 91.35 [Amended]

2. Section 91.35 is amended by striking out the words "airplane" and "airplanes" wherever they appear and inserting the word "aircraft" in place thereof:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

§ 121.13 [Amended]

3. Section 121.13(b) is amended by inserting new section number 127.127 between the section numbers 127.125 and 127.145.

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

4. By adding a new § 127.127 after § 127.125 to read as follows:

§ 127.127 Cockpit voice recorders.

(a) No certificate holder may operate a large transport category helicopter after July 8, 1971, unless an approved cockpit voice recorder is installed in that helicopter and is operated continuously from the start of the use of the checklist (before starting engines for the purpose of flight) to completion of the final checklist at the termination of the flight.

(b) Each cockpit voice recorder must be installed in accordance with the requirements of Part 29 of this chapter.

(c) In complying with this section, an approved cockpit voice recorder having an erasure feature may be used, so that at any time during the operation of the recorder, information recorded more than 30 minutes earlier may be erased or otherwise obliterated.

(d) In the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under Part 430 of this title, which results in the termination of the flight, the certificate holder shall keep the recorded information for at least 60 days or, if required by the Administrator or the Board, for a longer period. Information obtained from the record is used to assist in determining the cause of accidents or occurrences in connection with investigations under Part 430 of this title. The Administrator does not use the record in any civil penalty or certificate action.

(Secs. 313(a), 601, 603, and 604, Federal Aviation Act of 1958, 49 U.S.C. 1354, 1421, 1423, and 1424; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 4, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-5731; Filed, May 8, 1970; 8:48 a.m.]

[Airworthiness Docket No. 70-WE-8-AD; Amdt. 39-985]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics 240D/340D/440D Airplanes

Amendment 39-957, 35 F.R. 4547, AD 70-6-6 requires the installation of a synthetic rubber seal and metal retainer around the engine oil breather tube at the nacelle trailing edge assembly and installing an extension on the oil breather overboard discharge tube on General Dynamics 240D/340D/440D airplanes.

The FEDERAL REGISTER publication of the amendment afforded interested persons an opportunity to comment during the 30-day comment period provided. A comment was received. The comment

pointed out that satisfactory 2D6210349–47 seals are unavailable for installation within the required compliance time. Also, the Service Bulletin referenced in Amendment 39–957 has been revised. Considering the comment received and the revision to the Service Bulletin, the FAA is superseding Amendment 39–957 by issuing this Airworthiness Directive which requires the installation of an extension on the oil breather overboard discharge tube, the permanent sealing between the breather tube and the collar of the trailing edge assembly of the trough installation, and, permits the temporary sealing of the collar-to-tube opening with repetitive inspections.

Amendment 39–957 called for full compliance within 250 hours time in service after its effective date, April 14, 1970. Compliance with this airworthiness directive will, in fact, extend the compliance time to install an extension on the oil breather overboard discharge tube. The compliance times for the permanent and temporary sealings of this collar-to-tube opening have been established by the agency on the basis of safety and are the same as that recommended by the manufacturer in the applicable service bulletin. As safety requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

GENERAL DYNAMICS. Applies to General Dynamics Model 240 airplanes equipped with Rolls Royce MK 542–4/–4K engines and Dowty Rotol (c)R245/4–40–4.5/13 propellers in accordance with General Dynamics Supplemental Type Certificate SA1054WE (hereinafter referred to as the CV–600) and General Dynamics Model 340 and 440 airplanes equipped with Rolls Royce MK 542–4/–4K engines and Dowty Rotol (c)R245/4–40–4.5/13 or Dowty Rotol (c)R259/4–40–4.5/17 propellers in accordance with General Dynamics Supplemental Type Certificate SA1096WE (hereinafter referred to as the CV–640).

Compliance required as indicated.

To preclude the possibility of engine breather oil and fumes seeping around the engine oil breather overboard discharge tube and between the trough and deflector assembly and being drawn into the nacelle afterbody, accomplish the following:

(a) Within 250 hours time in service after the effective date of this AD unless already accomplished install an extension of the engine oil breather overboard discharge tube in accordance with 2A. Part I of General Dynamics/Convair Service Bulletin 600 (240D) S.B. No. 71–2B/640 (340D), S.B. No. 71–2B, dated April 17, 1970, Reissue B, or later FAA-approved revisions, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Within 450 hours time in service unless already accomplished weld the breather tube to the collar of the trailing edge assembly of the trough installation to effect a positive seal in accordance with 2B Part II or 2C Part III of General Dynamics/Convair Service Bulletin 600 (240D), S.B. No. 71–2B/640 (340D) S.B. No. 71–2B dated April 17, 1970, Reissue B or later FAA-approved revisions, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Concurrent with (a), above, and until (b) above is accomplished seal the area surrounding the oil breather tube at the nacelle afterbody trailing edge with HT–1 Stabond sealant or similar sealing material. Inspect this sealant every 50 hours time in service and replace sealant material as necessary.

This supersedes Amendment 39–957, AD 70–6–6 (published in 35 F.R. 4547).

This amendment becomes effective May 12, 1970.

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

Issued in Los Angeles, Calif., on April 29, 1970.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 70–5728; Filed, May 8, 1970; 8:48 a.m.]

[Docket No. 70–CE–4–AD; Amdt. 39–986]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 99 and 99A Airplanes

There have been failures of the printed circuit boards in the edge lighted instrument panels on certain Beech Models 99 and 99A airplanes caused by water contacting and shorting these circuit boards. This condition can result in a hazardous cockpit fire. To correct this situation the manufacturer issued Beechcraft Service Instruction No. 0203–351 which provides instructions for removing the circuit boards and spraycoating them in order to afford insulation and protection to the printed circuit boards. This Service Instruction covers Serial Nos. U–1 through U–114 of the above models airplanes. In addition, the circuit boards in all production models airplanes Serial No. U–115 and up have been spraycoated. Since the manufacturer has been able to only affect approximately 20 percent compliance of the Service Instruction on airplanes covered therein, and since this condition exists or may develop in other aircraft of the same type design which have not been modified, an airworthiness directive is being issued requiring the printed circuit boards on all Beech Models 99 and 99A airplanes hereinafter listed, within the next 50 hours' time in service after the effective date of the AD, to be modified in accordance with either Beechcraft Service Instruction No. 0203–351, or any other method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region.

Since immediate adoption is required in the interest of safety, compliance with the notice and public procedures provisions of the Administrative Procedure Act is not practical and good cause exists for making this rule effective in less than thirty (30) days.

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

BEECH. Applies to Models 99 and 99A (Serial Nos. U–1 through U–114) Airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent a fire hazard, accomplish the following:

Within the next 50 hours time in service after the effective date of the AD, modify the printed circuit boards in the edge lighted instrument panels in accordance with either Beechcraft Service Instruction No. 0203–351 or any other method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region.

This amendment becomes effective May 12, 1970.

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

Issued in Kansas City, Mo., on April 30, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70–5729; Filed, May 8, 1970; 8:48 a.m.]

[Airspace Docket No. 70–SW–12]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Durant, Okla., transition area.

On March 21, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 4966) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Durant, Okla.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 23, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the following transition area is added:

DURANT, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eaker Field (lat. 33°56'30" N., long. 96° 24'00" W.), and within 2.5 miles each side of the Perrin VOR 045° radial extending from the 5-mile radius area to 6.5 miles southwest of the airport.

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

Issued in Fort Worth, Tex., on April 30, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-5730; Filed, May 8, 1970; 8:48 a.m.]

[Airspace Docket No. 70-WA-18]

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to designate temporary restricted areas in the Pisgah National Forest near Marion, N.C., and in the Uwharrie National Forest south of Greensboro, N.C.

The Department of the Air Force has advised the Federal Aviation Administration that there is an urgent military necessity for the designation of temporary restricted areas in North Carolina wherein parachute drop operations may be conducted to support an essential unified military training exercise. The proposed temporary restricted areas would be designated from the surface to 20,000 feet MSL and would be utilized periodically for short durations between the hours of sunset and sunrise daily from May 6, 1970, through May 25, 1970. The restricted areas would be activated by the issuance of a Notice to Airmen for each time the areas would be utilized. The NOTAMs for activation of the areas will be issued by the designated controlling agency, the Federal Aviation Administration Flight Service Station, Hickory, N.C.

This is a joint Task Force exercise of immediate paramount military importance bearing directly upon the military readiness of the Nation. Accordingly, action is taken herein to designate temporary restricted areas in the Pisgah and Uwharrie National Forest areas in North Carolina.

Since the Administrator of the Federal Aviation Administration finds that these amendments are essential and that urgent military necessity requires immediate adoption of the amendments, it is found that notice and public procedure thereon are impracticable and good cause exists for making the amendments effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

Section 73.53 (35 F.R. 2343) is amended by adding the following:

a. R-5325 Pisgah National Forest, N.C.: Boundaries. Beginning at lat. 35°35'00" N., long. 82°25'00" W.; to lat. 35°40'00" N., long. 82°28'00" W.; to lat. 36°05'00" N., long. 81°50'00 W.; to lat. 36°12'00" N., long. 81°33'00" W.; to lat. 35°57'00" N., long. 81°25'00" W.; to lat. 35°35'00" N., long. 82°00'00" W.; to the point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. By NOTAM issued in advance during the period sunset to sunrise, May 6, 1970, through May 25, 1970.

Controlling agency. Federal Aviation Administration Flight Service Station, Hickory, N.C.

Using agency. The Department of the Air Force.

b. R-5330 Uwharrie National Forest, N.C.: Boundaries. Beginning at lat. 35°07'00" N., long. 79°50'00" W.; to lat. 35°15'00" N., long. 80°05'00" W.; to lat. 35°28'00" N., long. 80°13'00" W.; to lat. 35°40'00" N., long. 79°55'00" W.; to lat. 35°15'00" N., long. 79°45'00" W.; to the point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. By NOTAM issued in advance during the period sunset to sunrise May 6, 1970, through May 25, 1970.

Controlling agency. Federal Aviation Administration Flight Service Station, Hickory, N.C.

Using agency. The Department of the Air Force.

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

Issued in Washington, D.C., on May 6, 1970.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-5757; Filed, May 8, 1970; 8:50 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-616; Amdt. 11]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Responsibility of Air Carriers for Amounts Collected by Travel Agents in Payment for Charter Flights

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1970.

In a notice of proposed rule making dated August 8, 1968 (EDR-142, 33 F.R. 11548), the Board proposed to amend Parts 207, 208, 212, 214, 221, and 295 to make air carriers and foreign air carriers responsible for amounts collected by travel agents in payment for charter flights.

In light of the comments received and the findings set out in Regulation ER-615 published simultaneously herewith, the Board hereby amends Part 207 of the economic regulations (14 CFR, Part 207), effective June 8, 1970, as follows:

1. Amend § 207.4 by redesignating the present contents as paragraph (a) and by adding the following paragraph (b):

§ 207.4 Tariffs to be filed for charter trips and special services.

(a) No air carrier shall perform any charter trips * * *

(b) Every charter tariff shall contain the following provision: Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commision with respect to such flight, shall be considered payment to the carrier.

(Secs. 204(a), 401, 403, 404, and 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 758 (as amended by 74 Stat. 445), 760, and 769; 49 U.S.C. 1324, 1371, 1373, 1374, and 1381)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-5746; Filed, May 8, 1970; 8:50 a.m.]

[Reg. ER-615; Amdt. 3]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Responsibility of Air Carriers for Amounts Collected by Travel Agents in Payment for Charter Flights

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1970.

In a notice of proposed rule making dated August 8, 1968 (EDR-142, 33 F.R. 11548), the Board proposed to amend Parts 207, 208, 212, 214, 221, and 295 to make air carriers and foreign air carriers responsible for amounts collected by travel agents in payment for charter flights. Pursuant to the notice, comments were received from seven supplemental carriers,[1] a local service carrier,[2] an overseas carrier,[3] five foreign air carriers,[4] three all-cargo carriers,[5] and the American Society of Travel Agents (ASTA). The Board has given consideration to all comments presented. For the reasons hereafter set forth and those announced in EDR-142, we have decided to adopt the proposed rule with one modification.[6] The purpose of the rule is to protect the public from defalcations by travel agents and other persons who receive payments for air transportation from charterers. The tentative findings set forth in the explanatory statement to the proposed rule are incorporated by reference and made final.

The principal objections to the rule come from the supplemental carriers and the foreign air carriers.

1. *Objections of supplementals.* A number of the supplemental carriers agree in principle with the Board's objectives. However, all consider the proposed regulation to be an unsatisfactory solution to the problem. Basically, the supplementals take the position that the rule as proposed unreasonably shifts the burden, in all cases of defalcation by the travel agent, from the charter group to the carrier. Placing sole responsibility upon the carriers in this situation, they

[1] Capitol International Airways, Inc., Modern Air Transport, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., Universal Airlines, Inc., and World Airways, Inc.

[2] Air West, Inc.

[3] Trans Caribbean Airways, Inc.

[4] Condor, Japan Air Lines, Lufthansa, Martin's Air Charter, and Swissair.

[5] Airlift International, Inc., The Flying Tiger Line Inc., and Seaboard World Airlines, Inc.

[6] A clarifying modification noted subsequently, p. 10, fn. 15.

maintain, ignores the relationships between the supplemental carriers, the charterers, and travel agents. Thus, it is claimed that the travel agent initially acts as agent for the group rather than for the carrier and the group does not think of the agent as a salesman for the airline. In addition, they aver that a charter agent's principal compensation generally comes not from the airline commission, but from the sale of land tours to the group in connection with the charter flight. They contend that a charter agent in reality thus may occupy three roles: as principal in selling tours, as agent for the group in securing the transportation, and as agent for the carrier only in a fairly restricted manner which frequently is limited to the handling of administrative details.

Generally, the carriers assert that in almost every case the charterer selects the travel agent, and the carrier has virtually no control over the selection. Indeed, the carrier must deal with the agent at the risk of losing the charter. They conclude, therefore, that the effect of this regulation would be to unfairly expose the carrier to liability resulting from the actions of a person they do not select and over whom they have no adequate control.

We are not persuaded to reject the rule for the reasons advanced by the supplementals. The fact that the agent may originally be selected by the charterer is no defense to the proposal to hold the carrier responsible for payments for air transportation to the agent. When one becomes the agent of the carrier—e.g., after the carrier has agreed to pay him a commission for securing air transportation—the public in entitled to assume that the agent is reputable and reliable and a person to whom payments for air transportation can reasonably be made. A carrier has complete freedom to choose the travel agents with whom it will do business, and has a responsibility to select a travel agent who is reputable and upon whom it can rely to make collections only as authorized. Furthermore, in many dealings with the public regarding charter flights, the travel agents are the agents of the carriers. The public reasonably may assume that the travel agent is the carrier's agent for all purposes in connection with the charter flight. Thus, in order to protect the public against the possibility that the travel agent's failure to remit the payments to the carrier can result in a claim by the carrier against the charterer for the payments, a rule is required which will have the effect of making the carrier responsible for any charter payments to the travel agent. Moreover, to the extent carriers are not now thoroughly screening the agents with whom they do business, the new rule should have the salutary effect of encouraging them to exercise greater care in this area.

It is noteworthy that the rule is, in effect, simply a restatement of the liability which IATA and ATC carriers already have. Thus, IATA 820a (Form of Passenger Sales Agency Agreement) provides that all moneys collected by the agent for transportation "are the property of the carrier." Similarly, ATC Resolution 80.15 (Air Traffic Conference Sales Agency Agreement) provides that all moneys, less applicable commissions to which the agent is entitled, collected by the agent for air transportation "shall be the property of the Carrier and shall be held in trust by the Agent until satisfactorily accounted for to the Carrier." Placing non-IATA and non-ATC carriers under the same liability as the IATA and ATC carriers is eminently reasonable.

Notwithstanding their objections to any rule on the subject, certain supplementals suggest alternatives to the proposed rules. They propose generally that a proviso be added to the effect that payments to a travel agent shall not be considered payment to the carrier, if the carrier at the time of entering into a charter agreement has advised the charterer in writing to make all payments to the carrier, and if the carrier in its dealings with the charterer does not waive this provision.

We shall not adopt this requested modification. Such a provision would not meet a prime purpose of the proceeding which is to establish a firm rule of carrier responsibility for travel agent misappropriations, thereby protecting the public from the necessity of recourse to legal proceedings to recover payments made to carrier agents. This purpose would be frustrated by such a provision, since the question of waiver would still have to be decided on the facts in each particular case.

2. *Objections of foreign air carriers.* Several foreign air carriers [7] assert that the Board is without legal power to adopt the proposed rules as they apply to foreign air carriers performing charters in foreign air transportation. It is argued that the proposed rule is a tariff "practice," that only section 1002(d) of the Act empowers the Board to prescribe rates and practices, and this power is limited to (a) air carriers, (b) interstate or overseas air transportation and (c) determinations made only after notice and hearing. Therefore, the argument continues, the proposed rule, at least insofar as it applies to foreign air carriers, may not be promulgated under the authority of section 1002(d) of the Act.[8] It is also claimed that the Act does not empower the Board to adopt a rule to require a foreign air carrier to amend its charter tariff, and the notice with respect to Part 212 attempts to accomplish this same goal by following a circuitous but improper route: First, by amending the section (§ 212.3) requiring that tariffs be filed for off-route charter trips so as to delete the words "off-route," thereby including all charters, off-route as well as on-route; and second, by amending Part 221, the tariff regulation, so as to make mandatory that the rules and regulations of each tariff shall contain the charter provisions required by the subject rules (Parts 207, 208, 212, 214 and 295).[9]

We find these contentions to be without merit. Similar contentions have been made by foreign air carriers in other rule making proceedings and these have been rejected by the Board. Each foreign air carrier's permit specifically provides that the exercise of the privileges granted thereby shall be subject "to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board." In our view the reserved powers under the permit read in conjunction with the Board's broad rule making authority under section 204(a) provide a valid basis of authority to support the proposed rule of carrier responsibility for payments of charterers to travel agents for the cost of air transportation. Additionally, the proposed rule "affects an entire class of carrier, and the subject matter is of the type which is typically dealt with in rule making proceedings. The rule does not affect the basic operating authority of the carrier, but merely seeks to prescribe relatively minor conditions to the exercise of the operating authority." [10]

Moreover, with respect to the argument that the rules would enable the Board to accomplish indirectly what it could not effect directly, a similar argument was made by JAL in a previous rule making proceeding and was rejected by the Board.[11] It is perfectly proper for the Board to amend a provision of Part 212 which previously applied only to off-route charters so as to make it applicable also to on-route charters, provided that an opportunity is afforded interested parties to file comments and provided the other rule making requirements of the Administrative Procedure Act are complied with, as is the case with the subject rule. Other provisions of Part 212 have previously been made applicable to on-route charters.[12] And the amendment of the tariff regulation (Part 221) is necessary so that these provisions with respect to

[7] Condor, Japan Air Lines (JAL), Lufthansa and Swissair.

[8] The notice did not rely on section 1002(d) as authority for the rule, as JAL observed.

[9] In addition to making the legal argument, JAL claims that the rule is unnecessary. It is asserted that since foreign carriers, as IATA members, may pay commissions only to IATA-appointed agents and under IATA rules such agents are authorized to collect moneys for transportation which remain the property of the carrier, the proposed rule is unnecessary as applied to foreign air carrier members of IATA. The short answer is that not all foreign air carriers are members of IATA and that the rule is required across the board in order to cover the non-IATA member carriers. For example, Condor which filed a comment is not a member of IATA.

[10] ER-519 (Part 217), adopted Nov. 22, 1967, 32 F.R. 18020 (Dec. 16, 1967). See also ER-568 (Part 207), adopted Mar. 27, 1969, 34 F.R. 6772 (Apr. 23, 1969).

[11] Footnote 2, ER-568 (amendment of Part 207), adopted Mar. 27, 1969, 34 F.R. 6772.

[12] Section 212.3a entitled "Written contracts with charterers;" § 212.7 entitled "Records and record retention." ER-568 (amendment to Part 207), adopted Mar. 27, 1969, 34 F.R. 6772; ER-570 (amendment to Part 212), adopted Mar. 27, 1969, 34 F.R. 6773; ER-509 (amendment to Part 212), adopted Sept. 29, 1967, 32 F.R. 13861.

carrier responsibility for payments to travel agents may be included in tariffs which are filed with the Board.

3. *Other matters.* Several other matters warrant comment. World asserts that it is a frequent practice of charterers, through a travel agent, to arrange not only for air transportation, but also for hotel accommodations and other ground services and that the air carrier's responsibility under the rule should be limited to amounts paid to travel agents or other persons for air transportation. The existing rules define the term "charter flight" or "charter trip" as air transportation. Therefore, the rule is not intended to impose responsibility on air carriers for payments to travel agents for any services other than for air transportation.

Universal asks that the Board make clear that the rule does not apply to inclusive tour charters. It asserts that the broad language of the rule could be interpreted as applying to payments by individual participants to travel agents who sell inclusive tour charters to the public for tour operators. Clearly, the rule would not apply in such a situation for there would be no agency relationship between a carrier and unknown retail sellers of inclusive tour charters. Moreover, the rule would not affect the relationship between a direct air carrier and a tour operator since the latter does not stand in the position of agent of a direct carrier with respect to the inclusive tour.

The all-cargo carriers (Seaboard, Airlift, and Flying Tiger) state that the literal language of the proposed rule—payments for a charter flight made to any person to whom the carrier has paid a commission with respect to such flight—would cover payments made to "sales agents" as persons who are paid commissions by carriers in connection with cargo charters. They assert that there is no indication in the explanatory statement of the notice that the Board intended the rule to cover all-cargo charters and ask for a ruling that it will be limited to passenger charters.

We find that the rule should apply to all-cargo as well as passenger charters. Although the proposed regulation did not specifically address itself to sale agents, we see no reason why an exception should be made in the case of all-cargo charters. If the problem which the rule is intended to remedy does not exist in the cargo field, as the all-cargo carriers assert, then these carriers would not be affected by the rule. If, however, similar problems exist with respect to cargo charters, then the shipping public should be entitled to the same protection afforded the traveling public.

Air West indicates that the rule may not be applicable to a partial payment to a travel agent by a charterer. It asserts that the Trade Practice Manual Sales Agency Agreement, Resolution 80.15 (CAB 5044) provides that the carrier agrees to pay a commission if, among other things, "such agency collected the proper amount of fares and charges applicable to such transportation" (emphasis supplied) and that a partial payment would not be "the proper amount" within the meaning of the Trade Practice Manual. Therefore, it maintains, the carrier has not agreed to pay a commission on such amount and the rule imposing responsibility on carriers for payments to travel agents may not apply.

We do not so interpret the rule. The regulation requires that every charter tariff shall contain a provision that payments for a charter flight to any person to whom the carrier has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier. Air West's reading of the regulation would permit the parties to the carrier-travel agent agreement to frustrate the effect of the regulation by violating such agreement so that a commission would not be payable thereunder. Rather, the carrier's obligation under the rule is fixed as of the time when the agreement is entered into and it is irrelevant that the carrier might ultimately not be liable to pay a commission to the travel agent by reason of the violation of such carrier-travel agent contract.[13]

Accordingly, the Civil Aeronautics Board amends Part 208 of the economic regulations (14 CFR Part 208) effective June 8, 1970, as follows:[14]

1. Add the following paragraph (c) to § 208.32:

§ 208.32 Tariffs and terms of service.

* * * * *

(c) Every charter tariff shall contain the following provision: Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier.

* * * * *

2. Amend § 208.103 to read as follows:

§ 208.103 Tariffs and terms of service.

The provisions of § 208.32 shall apply to charters under this subpart except that paragraphs (c), (e), and (f) and the second sentence of paragraph (b) of such section shall not be applicable.

[13] American Society of Travel Agents, Inc. (ASTA), maintains that, in the case of charter activities engaged in by certificated scheduled air carriers, only those travel agents who have been approved by the Air Traffic Conference (ATC) or the International Air Transport Association (IATA) are authorized to represent the carrier members of those organizations. It asks that the proposed rule be modified so as to include a definition of the term "travel agent" as only ATC or IATA-approved travel agents. The requested modification will not be adopted, since it is beyond the scope of the present proceeding, the purpose of which is to protect the public from defalcations of funds paid by charterers to travel agents for air transportation.

[14] The one clarifying modification of the proposed rule is to add the phrase "with respect to such flight" after the word "commission" in § 208.32(c). This will correct an inadvertence in the proposed rule.

(Secs. 204(a), 401, 403, 404, and 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 758 (as amended by 74 Stat. 445), 760, and 769; 49 U.S.C. 1324, 1371, 1373, 1374, and 1381)

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-5745; Filed, May 8, 1970; 8:49 a.m.]

[Reg. ER-617; Amdt. 5]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Responsibility of Foreign Air Carriers for Amounts Collected by Travel Agents in Payment for Charter Flights

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1970.

In a notice of proposed rule making dated August 8, 1968 (EDR-142, 33 F.R. 11548), the Board proposed to amend Parts 207, 208, 212, 214, 221, and 295 to make air carriers and foreign air carriers responsible for amounts collected by travel agents in payment for charter flights.

In light of the comments received and the findings set out in Regulation ER-615 published simultaneously herewith, the Board hereby amends Part 212 of the economic regulations (14 CFR Part 212) effective June 8, 1970, as follows:

1. Amend the Table of Contents to revise title of § 212.3, as follows:

Sec.
212.3 Tariffs to be filed for charter trips.

2. Revise the title and text of § 212.3 to read as follows:

§ 212.3 Tariffs to be filed for charter trips.

(a) No foreign air carrier shall perform any charter trips unless such foreign air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips, and showing the rules, regulations, practices, and services in connection with such transportation.

(b) Every charter tariff shall contain the following provision: Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier.

(Secs. 204(a), 402, 403, 404, and 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), 760 and 769; 49 U.S.C. 1324, 1372, 1373, 1374, and 1381)

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-5747; Filed, May 8, 1970; 8:50 a.m.]

[Reg. ER-618; Amdt. 3]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Responsibility of Foreign Air Carriers for Amounts Collected by Travel Agents in Payment for Charter Flights

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1970.

In a notice of proposed rule making dated August 8, 1968 (EDR-142, 33 F.R. 11548), the Board proposed to amend Parts 207, 208, 212, 214, 221, and 295 to make air carriers and foreign air carriers responsible for amounts collected by travel agents in payment for charter flights.

In light of the comments received and the findings set out in Regulation ER-615 published simultaneously herewith, the Board hereby amends Part 214 of the economic regulations (14 CFR Part 214) effective June 8, 1970, as follows:

1. Amend § 214.13 by redesignating its present contents as paragraph (a) and by adding the following paragraph (b):

§ 214.13 Tariffs to be on file.

(a) Prior to performing any foreign air * * *

(b) Every charter tariff shall contain the following provision: Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier.

(Secs. 204(a), 402, 403, 404, and 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), 760 and 769; 49 U.S.C. 1324, 1372, 1373, 1374, and 1381)

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-5748; Filed, May 8, 1970; 8:50 a.m.]

[Reg. ER-619; Amdt. 10]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Responsibility of Air Carriers and Foreign Air Carriers for Amounts Collected by Travel Agents in Payment for Charter Flights

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1970.

In a notice of proposed rule making dated August 8, 1968 (EDR-142, 33 F.R. 11548), the Board proposed to amend Parts 207, 208, 212, 214, 221, and 295 to make air carriers and foreign air carriers responsible for amounts collected by travel agents in payment for charter flights.

In light of the comments received and the findings set out in Regulation ER-615 published simultaneously herewith, the Board hereby amends Part 221 of the economic regulations (14 CFR Part 221) effective June 8, 1970, as follows:

1. Amend § 221.38 by adding the following subparagraph (a)(10):

§ 221.38 Rules and regulations.

(a) *Contents.* Except as otherwise provided in this part, the rules and regulations of each tariff shall contain:

* * * * *

(10) The charter tariff provisions required by Parts 207, 208, 212, 214, and 295, as applicable.

* * * * *

(Secs. 204(a), 401-404 and 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 757, 758 (as amended by 74 Stat. 445), 760 and 769; 49 U.S.C. 1324, 1371-1374, and 1381)

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-5749; Filed, May 8, 1970; 8:50 a.m.]

[Reg. ER-620; Amdt. 5]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Responsibility of Air Carriers for Amounts Collected by Travel Agents in Payment for Charter Flights

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May, 1970.

In a notice of proposed rule making dated August 8, 1968 (EDR-142, 33 F.R. 11548), the Board proposed to amend Parts 207, 208, 212, 214, 221, and 295 to make air carriers and foreign air carriers responsible for amounts collected by travel agents in payment for charter flights.

In light of the comments received and the findings set out in Regulation ER-615 published simultaneously herewith, the Board hereby amends Part 295 of the economic regulations (14 CFR Part 295) effective June 8, 1970, as follows:

1. Amend § 295.13 by redesignating its present contents as paragraph (a) and by adding the following paragraph (b):

§ 295.13 Tariffs to be on file.

(a) No air carrier shall perform any supplemental * * *

(b) Every charter tariff shall contain the following provision: Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier.

(Secs. 204(a), 401, 403, 404, and 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 758 (as amended by 74 Stat. 445), 760 and 769; 49 U.S.C. 1324, 1371, 1373, 1374, and 1381)

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-5750; Filed, May 8, 1970; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1724]

PART 13—PROHIBITED TRADE PRACTICES

Bishop Industries, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-24 Cosmetic or beautifying; § 13.265 *Tests and investigations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bishop Industries, Inc., Union, N.J., Docket C-1724, Apr. 10, 1970]

Consent order requiring a Union, N.J., manufacturer of beauty aids to cease the deceptive use of "before and after" photographs and other tests and demonstrations as proof of any fact or product feature of its cosmetic preparations.

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

It is ordered, That respondent Bishop Industries, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of Sudden Change lotion or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Advertising any such product by presenting a test, experiment or demonstration or part thereof that is presented as actual proof of any fact or product feature that is material to inducing the sale of the product, but which does not actually prove such fact or product feature.

It is further ordered, That respondent shall file a report of compliance with the Commission within sixty (60) days from the date the order becomes final.

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

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

Issued: April 10, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-5689; Filed, May 8, 1970; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-113]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money; Mauritius

APRIL 29, 1970.

The Secretary of State has advised the Secretary of the Treasury that the Department of State has obtained from the Government of Mauritius satisfactory evidence that since March 12, 1968, no discriminating duties of tonnage or imposts have been imposed or levied in ports of Mauritius upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Mauritius in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of the Government of Mauritius, and the produce, manufactures, or merchandise imported into the United States in such vessels from Mauritius or from any other foreign country. This suspension and discontinuance shall take effect from March 12, 1968, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22, Customs Regulations, is amended by the insertion of "Mauritius" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141)

[SEAL] EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 70-5756; Filed, May 8, 1970; 8:50 a.m.]

[T.D. 70-112]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money; Austria

APRIL 28, 1970.

The Secretary of State advised the Secretary of the Treasury on March 16, 1970, that the Department of State has obtained satisfactory proof from Austria that as of March 2, 1970, no discriminating duties of tonnage or imposts are imposed or levied in ports of Austria upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Austria in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of Austria, and the produce, manufactures, or merchandise imported into the United States in such vessels from Austria or from any other foreign country. This suspension and discontinuance shall take effect as of March 2, 1970, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22, Customs Regulations, is amended by the insertion of "Austria" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141)

[SEAL] EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 70-5755; Filed, May 8, 1970; 8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart G—Public Information

FEE SCHEDULE

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended by adding the following new section:

§ 2.115 Fee schedule for searching, supplying, and certifying records.

(a) Certain routine information is provided to the general public at no charge; however, special informational services involving more than routine investigation and allocation of staff time are subject to fees as necessary to recover costs to the Government.

(b) Charges for special services regarding Food and Drug Administration records are as follows:

(1) Search for records: $3 per hour.

(2) Reproduction, duplication, or copying of records: 25 cents per page.

(3) Reproduction, duplication, or copying of microfilm: 50 cents per microfilm frame and 50 cents per microfiche.

(4) Certification or authentication of records: $5 per certification.

(5) Forwarding material to destination: Postage, insurance, and special fees will be charged on an actual cost basis.

(c) These charges are in agreement with charges for similar services by the Department of Health, Education, and Welfare as published in the FEDERAL REGISTER of May 6, 1969 (34 F.R. 7348).

(d) This schedule does not apply to official records and information provided under § 4.1 of this chapter.

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

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: April 30, 1970.

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

[F.R. Doc. 70-5690; Filed, May 8, 1970; 8:45 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

1,2-Dibromo-3-Chloropropane

A petition (PP 0F0856) was filed with the Food and Drug Administration by The Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, proposing establishment of tolerances for residues of inorganic bromides (calculated as Br) in or on the raw agricultural commodities almond hulls at 75 parts per million, almonds at 50 parts per million, and cherries and plums (fresh prunes) at 15 parts per million when grown in soil treated with the nematocide 1,2-dibromo-3-chloropropane.

The Secretary of Agriculture has certified that the pesticide chemical is useful for the purpose for which the tolerances are being established.

Based on consideration given data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.197 is revised to read as follows to establish the above-specified tolerances:

§ 120.197 Inorganic bromides resulting from soil treatment with 1,2-dibromo-3-chloropropane; tolerances for residues.

Tolerances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities grown in soil treated with the nematocide 1,2-dibromo-3-chloropropane are established as follows:

130 parts per million in or on endive (escarole) and lettuce.

125 parts per million in or on bananas (of which residue not more than 75 parts per million shall be in the pulp after the peel is removed and discarded).

72 parts per million in or on almond hulls, carrots, celery, figs, okra, parsnips, radishes, snap beans, and turnips.

50 parts per million in or on almonds, broccoli, brussels sprouts, cabbage, cauliflower, eggplants, melons, peanuts,[3] peppers, pineapples, and tomatoes.

25 parts per million in or on blackberries, boysenberries, cottonseed, cucumbers, dewberries, grapes, loganberries, raspberries, and summer squash.

20 parts per million in or on citrus fruits.

15 parts per million in or on cherries and plums (fresh prunes).

10 parts per million in or on English walnuts and strawberries.

5 parts per million in or on apricots, nectarines, and peaches.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief support thereof. All documents shall be filed in six copies.

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 30, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-5691; Filed, May 8, 1970; 8:45 a.m.]

[3] See § 120.126a for restrictions against use of peanut hay and peanut hulls for animal feed.

SUBCHAPTER C—DRUGS

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

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

Lincomycin

The Commissioner of Food and Drugs has evaluated the new animal drug application (34-085V) filed by The Upjohn Co., Kalamazoo, Mich. 49001, proposing safe and effective use of lincomycin in chicken feed for increase in rate of weight gain and improved feed efficiency for floor-raised broilers. The application is approved and the Commissioner concludes that a tolerance is required to assure that edible tissues of chickens treated with lincomycin are safe for human consumption.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended by adding thereto a new section and § 135g.65 is revised, as follows:

§ 135e.49 Lincomycin.

(a) *Specifications.* Meets the specifications prescribed by § 148x.1(a)(1) (i), (iii), (vi), (vii), (viii), (ix), (x), and (xi) of this chapter.

(b) *Approvals.* Premix level 4 grams per pound granted to Tuco Products Co., Division of The Upjohn Co., Kalamazoo, Mich. 49001.

(c) *Assay limits.* Finished feed not less than 80 percent or more than 130 percent of labeled amount. Premix not less than 90 percent or more than 120 percent of labeled amount.

(d) *Related tolerances in edible products.* § 135g.65 of this chapter.

(e) *Conditions for use:*

	Grams per ton	Limitations	Indications for use
Lincomycin.....	2-4	For floor-raised broilers; as lincomycin hydrochloride monohydrate.	For increase in rate of weight gain and improved feed efficiency for floor-raised broilers.

§ 135g.65 Lincomycin.

A tolerance of 0.1 part per million is established for negligible residues of lincomycin in the edible tissues of chickens and swine.

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

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

Dated: April 30, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-5692; Filed, May 8, 1970; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7040]

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Required Court Action To Amend a Private Foundation's Governing Instrument

The following regulations relate to the application of section 508(e) of the Internal Revenue Code of 1954, as added

by section 101(a) of the Tax Reform Act of 1969 (83 Stat. 496) to the provisions of the governing instruments of private foundations.

The regulations set forth herein are temporary and are designed to provide rules governing the manner in which private foundations may satisfy the requirements of section 508(e) (relating to required provisions in governing instruments). The regulations are effective until the issuance of final regulations to be prescribed by the Commissioner and approved by the Secretary or his delegate.

In order to provide such temporary regulations under section 508(e) of the Internal Revenue Code of 1954, the following regulations are adopted:

§ 13.8 Required court action to amend a private foundation's governing instrument.

(a) *In general.* Under section 508(e) of the Internal Revenue Code of 1954, a private foundation (as defined in section 509 of the Code) generally, shall not be exempt under section 501(a) of the Code unless its governing instrument contains certain provisions. These provisions, generally, must require or prohibit, as the case may be, the foundation to act or refrain from acting so that it shall not be liable to the taxes imposed by sections 4941, 4942, 4943, 4944, and 4945 of the Code. Private foundations organized before January 1, 1970, are not subject to the requirements of such section 508(e) with respect to taxable years beginning before January 1, 1972.

(b) *Manner of satisfying requirements of section 508(e).* A private foundation may satisfy the requirements of section 508(e) if its governing instrument is amended as required by such section. A private foundation's governing instrument shall be deemed to have been so amended if valid provisions of State law have been enacted which:

(1) Require it to act or refrain from acting so as not to subject the foundation to the taxes imposed by sections 4941 (relating to taxes on self-dealing), 4942 (relating to taxes on failure to distribute income), 4943 (relating to taxes on excess business holdings), 4944 (relating to taxes on investments which jeopardize charitable purpose), and 4945 (relating to taxable expenditures), or

(2) Treat the required provisions as contained in the foundation's governing instrument.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] WILLIAM H. SMITH,
Acting Commissioner,
of Internal Revenue.

Approved: May 5, 1970.

JOHN S. NOLAN,
Acting Assistant Secretary
of the Treasury.

[F.R. Doc. 70-5711; Filed, May 8, 1970; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Standard and Optional Forms

The regulation setting forth policy governing the acquisition of standard and optional forms is revised to clarify such policy and to authorize the promulgation of a GSA Handbook, Acquisition of Standard and Optional Forms.

The table of contents for Part 101-26 is amended by deleting §§ 101-26.302-1 through 101-26.302-9, 101-26.4901-1, 101-26.4901-1C, and 101-26.4901-84; and by revising the caption of § 101-26.302 as follows:

Sec.
101-26.302 Standard and optional forms.

Subpart 101-26.3—Procurement From GSA Supply Depots

Sections 101-26.302-1 through 101-26.302-9, 101-26.4901-1, 101-26.4901-1C, and 101-26.4901-84 are deleted and § 101-26.302 is revised as follows:

§ 101-26.302 Standard and optional forms.

Agencies shall obtain standard and optional forms by requisitioning from GSA except when the Joint Committee on Printing (JCP) has granted authority for direct procurement, or when the forms have been approved by GSA to be stocked and distributed by the promulgating agency. Standard and optional forms shall be requisitioned in accordance with the instructions contained in the GSA Handbook, Acquisition of Standard and Optional Forms, promulgated by the Commissioner, Federal Supply Service (FSS).

(a) The content or construction of standard and optional forms shall not be altered or modified, except for planning purposes, without the written approval of the promulgating agency in accordance with Subpart 101-11.8.

(b) Agencies shall not reproduce or reprint standard and optional forms without the approval of the JCP except for limited quantities required for forms management purposes.

(c) Forms or form assemblies which deviate in any manner from those listed in the GSA Stock Catalog, Part II, are not stocked or distributed by GSA. Agencies requiring such nonstock forms shall prepare and transmit a Standard Form 1, Printing and Binding Requisition, or Standard Form 1-C, Printing and Binding Requisition for Specialty Items, whichever is appropriate, to General Services Administration Region 3, Federal Supply Service, Supply Control Division—3FX, Washington, D.C. 20407, for review and submission to GPO.

(d) Whenever GSA has granted approval to a promulgating agency to stock and distribute standard forms, printing requisitions for stock replenishment of these items shall be transmitted to the address shown in § 101-26.302(c) on Standard Form 1 or 1-C whichever is appropriate for review and submission to GPO.

(e) Certain standard forms are serially numbered and are to be accounted for to prevent possible fraudulent use. The General Accounting Office (GAO) requires accurate accountability records to be maintained for such items by applicable agencies. Whenever GSA issues accountable standard forms, the receiving agency shall verify to GSA the serial number of forms contained in the shipment by completing the verification card forwarded to them and returning the card to the address preprinted on the face of the card.

(f) Standard and optional forms which are excess to the needs of an agency shall be reported to GSA in the same manner as other excess personal property pursuant to Part 101-43.

(1) Reports by the military services of excess standard and optional forms may be made to the address shown in § 101-26.302(c) by consolidated letter report or submision of Standard Form 120, Report of Excess Personal Property.

(2) Obsolete forms should not be reported but should be determined to be surplus and disposed of under the provisions of Part 101-45.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: May 4, 1970.

JOHN W. CHAPMAN, Jr.,
Acting Administrator
of General Services.

[F.R. Doc. 70-5741; Filed, May 8, 1970; 8:49 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Need and Amount of Assistance

In § 233.20(a)(4), subdivision (ii) is amended by adding a new (*e*). As amended, subdivision (ii) reads as follows:

§ 233.20 Need and amount of assistance.

(a) * * *

(4) * * *

(ii) Provide that, in determining need and the amount of the assistance payment, the following will be disregarded:

(*a*) The value of the coupon allotment under the Food Stamp Act of 1964 in excess of the amount paid for the coupons;

(*b*) The value of the U.S. Department of Agriculture donated foods (surplus commodities);

(*c*) Any highway relocation assistance paid under the Federal-Aid Highway Act of 1968;

(*d*) Any additional relocation assistance paid under section 114(c)(2) of the Housing Act of 1949 as amended (42 U.S.C. 1465(c)(2)); and

(*e*) Any grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Commissioner of Education.

* * * * *

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: April 6, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: May 5, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70-5702; Filed, May 8, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 191]

HAZARDOUS SUBSTANCES

Proposed Exemption of Fuel for Miniature Jet Propelled Engines From Classification as Banned Hazardous Substance

The Commissioner of Food and Drugs has received a request on behalf of Aristo Craft Distinctive Miniatures, 314 Fifth Avenue, New York, N.Y. 10001, submitted pursuant to section 2(q)(1)(B)(i) of the Federal Hazardous Substances Act and § 191.62(c) of the regulations thereunder, to exempt the articles described below from classification as "banned hazardous substances," as defined by section 2(q)(1)(A) of the act, because the functional purpose of the articles requires inclusion of a hazardous substance, they will bear labeling giving adequate directions and warnings for safe use, and are intended for use by children who have attained sufficient maturity, and may reasonably be expected, to read and heed such directions and warnings.

Accordingly, pursuant to provisions of the act (sec. 2(Q)(1)(B)(i), 74 Stat. 374, 80 Stat. 1304, 50 U.S.C. 1261) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 191.65(a) be amended by adding thereto a new subparagraph, as follows:

§ 191.65 Exemptions from classification as banned hazardous substances.

(a) * * *

(10) Solid fuel pellets intended for use in miniature jet engines for propelling model jet airplanes, speed boats, racing cars, and similar models, provided such solid fuel pellets;

(i) Weigh not more than 11.5 grams each.

(ii) Are coated with a protective resinous film.

(iii) Contain not more than 35 percent potassium dichromate.

(iv) Produce a maximum thrust of not more than 7½ ounces when used as directed.

(v) Burn not longer than 12 seconds each when used as directed.

(11) Fuses intended for igniting fuel pellets exempt under subparagraph (10) of this paragraph.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 30, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-5693; Filed, May 8, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SW-29]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Blytheville, Ark., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the Blytheville, Ark., transition area is amended to read:

BLYTHEVILLE, ARK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Blytheville AFB (lat. 35°57'50" N., long. 89°56'40" W.) excluding the portion within the Manila, Ark., transition area, within a 5-mile radius of Blytheville Municipal Airport (lat. 35°56'15" N., long. 89°49'45" W.), within 4 miles east and 7 miles west of a 005° bearing from the Hicks RBN (lat. 35°57'52" N., long. 89°49'35" W.) extending from the RBN to 12 miles north, and within 2 miles each side of the extended centerline of Blytheville AFB Runways 17 and 35 extending from the 8.5-mile radius area to 12 miles north and south of the airport.

[Airspace Docket No. 70-SW-29]

The NDB (ADF) RWY 17 instrument approach procedure to the Blytheville Municipal Airport has been modified. The approach course has been changed from the 360° true (355° magnetic) bearing from the Hicks RBN to the 005° true (360° magnetic) bearing. Since the transition area extension north of the Blytheville Municipal Airport is predicated on the approach course, it is necessary to alter the description of the extension to change the "360° bearing" to read "005° bearing" to provide airspace protection for aircraft executing the approach procedure. A very narrow area between the two northerly extensions has been included in the proposed 700-foot transition area to provide a continuity of controlled airspace north of Blytheville. Additional controlled airspace with a floor of 1,200 feet above the surface is required; it is included in a separate proposal for the Arkansas transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on April 30, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-5733; Filed, May 8, 1970; 8:48 a.m.]

[Airspace Docket No. 70-SW-30]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Opelousas, La.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All

communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the following transition area is added:

OPELOUSAS, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of St. Landry Parish Airport (lat. 30°33'30" N., long. 92°06'00" W.), and within 2.5 miles each side of the Lafayette VORTAC 347° radial extending from the 5-mile radius area to 22.5 miles north of the VORTAC.

The proposed transition area would provide airspace protection for aircraft executing approach/departure procedures proposed to serve the St. Landry Parish Airport at Opelousas, La.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on April 30, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-5734; Filed, May 8, 1970; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-37]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Allendale, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Allendale transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Allendale County Airport; within 2.5 miles each side of Allendale VOR 329° radial, extending from the 6-mile radius area to 8.5 miles northwest of the VOR.

The proposed designation is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 29, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-5735; Filed, May 8, 1970; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-146]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Montgomery, Ala., control zone and transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Montgomery control zone described in § 71.171 (35 F.R. 2054) would be redesignated as:

Within a 5-mile radius of Dannelly Field (lat. 32°18'00" N., long. 86°23'36" W.); within 1.5 miles each side of Dannelly Field ILS localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM; within 2.5 miles each side of Montgomery VORTAC 311° radial, extending from the 5-mile radius zone to 15.5 miles northwest of the VORTAC; within a 5-mile radius of Maxwell AFB (lat. 32°22'48" N., long. 86°21'55" W.); within 2 miles each side of Maxwell TACAN 333° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the TACAN.

The Montgomery transition area described in § 71.181 (35 F.R. 2134) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dannelly Field (lat 32°18'00" N., long. 86°23'36" W.); within 4.5 miles north and 9.5 miles south of Dannelly Field ILS localizer west course, extending from the 8.5-mile radius area to 18.5 miles west of the LOM; within 2.5 miles each side of Montgomery VORTAC 311° radial, extending from the 8.5-mile radius area to 23 miles northwest of the VORTAC; excluding the portion within the Selma, Ala. transition area; within a 9-mile radius of Maxwell AFB (lat. 32°22'48" N., long. 86°21'55" W.); within 3 miles each side of Maxwell VOR 328° radial, extending from the 9-mile radius area to 8.5 miles northwest of the VOR.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria requires the following actions:

CONTROL ZONE

1. Reduce the extension predicated on Dannelly Field ILS localizer west course 1 mile in width and 0.5 mile in length.
2. Increase the extension predicated on Montgomery VORTAC 311° radial 1 mile in width and 1 mile in length.
3. Increase the extension predicated on Maxwell TACAN 333° radial 2 miles in length.
4. Revoke the extensions predicated on Montgomery VORTAC 148°, 321°, and 345° radials.

TRANSITION AREA

1. Increase the basic radius circle predicated on Dannelly Field from 8 to 8.5 miles.
2. Increase the basic radius circle predicated on Maxwell AFB from 8 to 9 miles.
3. Increase the extension predicated on Dannelly Field ILS localizer west course 1 mile in width and 6.5 miles in length.
4. Designate an extension predicated on Montgomery VORTAC 311° radial 5 miles in width and 23 miles in length.
5. Designate an extension predicated on Maxwell VOR 328° radial 6 miles in width and 8.5 miles in length.
6. Revoke the extensions predicated on Maxwell VOR 148° radial and the 269° bearing from Dannelly Field LOM.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Montgomery terminal area in climb to 1,200 feet above

the surface and in descent from 1,500 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 28, 1970.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 70-5736; Filed, May 8, 1970; 8:49 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 70-AL-2]

JET ROUTE, FEDERAL AIRWAY SEGMENT AND FEDERAL AIRWAYS

Proposed Alteration and Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign and designate jet routes and VOR Federal airway segments in the vicinity of King Salmon, Alaska, and Anchorage, Alaska.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions:

1. Designate V-427 from King Salmon, Alaska, to Anchorage, Alaska, via the King Salmon VORTAC 042° T (021° M) and Anchorage VORTAC 246° T (221° M) radials.

2. Realign V-456 segment from the King Salmon, Alaska, VOR direct to the Kenai, Alaska, VOR direct to the Anchorage, Alaska, VORTAC.

3. Designate V-462 from the Dillingham, Alaska, VOR direct to the Anchorage, Alaska, VORTAC.

4. Realign J-115 segment from King Salmon, Alaska, VORTAC direct to the Kenai, Alaska, VOR direct to the Anchorage, Alaska, VORTAC.

5. Designate J-127 from King Salmon, Alaska, to Anchorage, Alaska, via the King Salmon VORTAC 042° T (021° M) and Anchorage VORTAC 246° T (221° M) radials.

The jet route and airway configuration proposed herein would improve air traffic control service by providing routes for inbound and outbound traffic in the Anchorage terminal area. The new configuration would complement recent standard instrument departures and standard terminal arrival routes which are in the process of being implemented by the Anchorage Air Route Traffic Control Center.

These amendments are proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 1, 1970.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-5732; Filed, May 8, 1970; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Revision 5)]

CANADIAN OVERLAND IMPORTS—DISTRICTS I–IV

Notice of Proposed Rule Making

By notice published in the FEDERAL REGISTER, Volume 35, Number 61, on March 28, 1970, interested persons were advised that, following notice and an opportunity to comment, definitive regulations regarding Canadian overland imports for the period July 1, 1970 through December 31, 1970 would be issued. Subject to concurrence by the Director of the Office of Emergency Preparedness, those regulations were to be issued by June 10, 1970. Changed circumstances have necessitated the modification of that date to one 5 days after completion of the period for comment.

Notice is hereby given that it is proposed that Oil Import Regulation 1 (Revision 5) shall be amended by adding thereto a new section, numbered 29, governing Canadian overland imports for the period July 1, 1970 through December 31, 1970, such new section reading as follows:

Sec. 29 Canadian overland imports—Districts I–IV.

For the period July 1, 1970—December 31, 1970—

(a) As used in this section the term "Canadian overland imports" means crude oil and unfinished oils (1) which are entered for consumption or withdrawn from warehouse for consumption in Districts I–IV, (2) which, if crude oil, was produced in Canada, and, if unfinished oils, were processed from crude oil or natural gas produced in Canada, and (3) which were or are transported into the United States by pipeline, rail, or other means of overland transportation.

(b) In accordance with this section, the Administrator shall make allocations of Canadian overland imports into Districts I–IV for the period July 1, 1970 through December 31, 1970.

(c) To be eligible for an allocation of imports under this section, a person must have in Districts I–IV a facility or facilities for processing Canadian imports or pipeline facilities using crude oil as fuel.

(d)(1) Except as provided in subparagraph (2) of this paragraph, each eligible applicant shall receive an allocation in an equal share of the remainder of the imports that is available for allocation after allocations are made pursuant to subparagraph (2) of this paragraph.

(2) If an eligible applicant processed Canadian overland imports in his facility or facilities during the period October 1, 1968 through September 30, 1969, and if an allocation computed under subparagraph (1) of this paragraph would be less than the average barrels daily of Canadian overland imports that the applicant processed in his facility or facilities during the period October 1, 1968 through September 30, 1969, the applicant shall receive an allocation under this section equal to the average barrels daily of Canadian overland imports that the applicant processed in his facility or facilities, multiplied by 184 multiplied by 1.05.

(3) No person shall receive an allocation under subparagraph (1) and subparagraph (2) of this paragraph.

(4) Under an allocation made pursuant to this section, a person may import the full amount of the allocation as unfinished oils.

(e) Except for a person having pipeline facilities using crude oil as fuel, who shall be limited to his operational use requirement, no person shall receive an allocation under subparagraph (1) of paragraph (d) of this section in excess of 30 percent of the operating capacity as of January 1, 1969, of the facility or facilities covered by his application expressed in average barrels daily multiplied by 184. Such operating capacity shall be subject to verification by the Administrator.

(f) Each allocation made under this section shall be subject to adjustment based on increased allocations received for the period March 1, 1970, through June 30, 1970, pursuant to paragraphs (l) and (m) of section 23.

(g) Licenses issued under allocations made pursuant to this section shall permit only Canadian overland imports to be entered for consumption or withdrawn from warehouse for consumption in Districts I–IV.

(h) A person to whom an allocation is made by the Administrator under this section shall report and certify in writing to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240 not later than September 15, 1970 (i.) the total quantity of Canadian overland imports which that person imported pursuant to an allocation made under section 23 of the regulations during the period March 1, 1970, through June 1970, and (ii.) the quantity of such imports that were processed in his facility or facilities before

August 31, 1970. The amount so reported and certified shall be subject to verification by the Administrator. If a person to whom an allocation is made under this section fails to file by September 15, 1970, the written report and certification required by this paragraph, the Administrator shall suspend all licenses issued under an allocation made under section 29 until the written report and certification is received.

(i) (1) An allocation made pursuant to this section shall not be sold, assigned, or otherwise transferred. Each person who imports Canadian overland imports under an allocation made pursuant to this section shall process or consume such imports only in his own facility or facilities. Such imports shall not be exchanged unless written permission is obtained from the Administrator as provided in subparagraph (2) of this paragraph.

(2) In an instance where an eligible applicant demonstrates to the satisfaction of the Administrator that such applicant during the year 1969 imported Canadian overland imports and entered into an exchange arrangement involving domestic crude oil, the Administrator may permit the applicant to enter into a similar exchange agreement. No person will be permitted to exchange more than 50 percent of his allocation. In instances where a refinery is or was rendered inoperative during 1970 by fire, explosion or acts of God which prevents or prevented any person having an allocation issued under section 29 or section 23 from processing such allocation, the Administrator may waive this paragraph (i) to alleviate a hardship and to facilitate the full importation and use of allocations issued under section 29 or section 23.

(j) An application for an allocation under this section shall be made by letter or telegram to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240. Applications must be received by the Administrator on or before June 20, 1970. An application must contain the following information, which shall be certified by an officer of the applicant:

(1) The nature of the applicant's facility or facilities,

(2) The location or locations of the facility or facilities,

(3) The average barrels daily of Canadian overland imports processed or consumed in the applicant's facility or facilities during the period October 1, 1968 through September 30, 1969,

(4) The operating capacity, as of January 1, 1969, expressed in average barrels per calendar day, of the facility or facilities in which Canadian imports will be processed.

An officer of an applicant shall also certify in his application that, if an allocation of Canadian overland imports is made to the applicant under this section, the applicant will process or consume all such imports in his facility or facilities before March 1, 1971.

(k) If a person who receives an allocation of Canadian overland imports under this section fails to import the total quantity of such imports specified in the allocation or if he fails to process all such imports in his facility or facilities before March 1, 1971, then any allocation for Districts I–IV to which such person may otherwise be entitled under sections 9, 10, or 25 of this regulation for the first allocation period beginning after March 1, 1971, shall be reduced by the Administrator by the amount of Canadian overland imports which such person has failed to import or which such person has failed to process in his facility or facilities before March 1, 1971, except that the Administrator need not make such a reduction to the extent that (1) such person demonstrates to the satisfaction of the Administrator that such failures were without such person's fault and were beyond his control, or (2) such person on or before July 15, 1970, in writing relinquishes all or part of an allocation made under this section and returns to the Administrator licenses issued thereunder.

(l) The Oil Import Appeals Board may modify or make allocations of Canadian overland imports pursuant to section 21 of this regulation from imports which may be made available and set aside for this purpose." Persons interested may submit written comments on the proposed amendment to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240, not later than 30 days after publication of this notice. Each person who submits comments is asked to provide 10 copies.

DELL V. PERRY,
Acting Administrator,
Oil Import Administration.

MAY 8, 1970.

[F.R. Doc. 70-5850; Filed, May 8, 1970; 12:30 p.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

MAXWELL BEN

Notice of Granting of Relief

Notice is hereby given that Maxwell Ben, 3762 Field Avenue, Detroit, Mich. 48214, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 8, 1938, in the U.S. District Court, Birmingham, Ala., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Maxwell Ben, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Maxwell Ben to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Maxwell Ben's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Maxwell Ben be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of April 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 70-5720; Filed, May 8, 1970; 8:47 a.m.]

LAWRENCE BRANTLEY

Notice of Granting of Relief

Notice is hereby given that Lawrence Brantley, 103 Highland Drive, Irving, Tex., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on August 25, 1954 in the U.S. District Court No. 2, Dallas County, Tex., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Lawrence Brantley because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Brantley to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Lawrence Brantley's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Lawrence Brantley be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 1st day of May 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 70-5721; Filed, May 8, 1970; 8:48 a.m.]

JOSEPH BYRON BRANTON

Notice of Granting of Relief

Notice is hereby given that Joseph Byron Branton, 3908 Wilbert Road, Austin, Tex., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on June 25, 1932, in the U.S. District Court for the Western District of Texas, Austin, Tex., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Joseph Byron Branton because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Mr. Branton to receive, possess, or transport in commerce, any firearm.

Notice is hereby given that I have considered Joseph Byron Branton's application and:

(1) I have found that the convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Joseph Byron Branton be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 28th day of April 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 70-5715; Filed, May 8, 1970; 8:47 a.m.]

MERLYN W. COMDEN

Notice of Granting of Relief

Notice is hereby given that Merlyn W. Comden, 135 Sheridan Avenue, Manteca, Calif. 95336, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about September 26, 1945, in the Circuit Court for the County of Gratiot, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Merlyn W. Comden because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Comden to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Merlyn W. Comden's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Merlyn W. Comden be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 30th day of April 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 70-5723; Filed, May 8, 1970; 8:48 a.m.]

ALLEN R. CAMERON

Notice of Granting of Relief

Notice is hereby given that Allen R. Cameron, 4183 Chariot Lane, Liverpool, N.Y., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction in 1936 in a court-martial conducted at Fort Ontario, Oswego, N.Y., and his conviction in 1940 in the Cayuga County Court, Auburn, N.Y., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Allen R. Cameron because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Allen R. Cameron to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Allen R. Cameron's application and:

1. I have found that the convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

2. It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144, it is ordered that Allen R. Cameron be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 29th day of April 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 70-5714; Filed, May 8, 1970; 8:47 a.m.]

NORMAN CURTIS

Notice of Granting of Relief

Notice is hereby given that Norman Curtis, 5006 Foxboro Drive, Castro Valley, Calif., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 4, 1956, by the Superior Court of the State of California in and for the County of Alameda, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Norman Curtis, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearms or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Norman Curtis to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given, that I have considered Norman Curtis' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Norman Curtis be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 30th day of April 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 70-5722; Filed, May 8, 1970; 8:48 a.m.]

JOSEPH D'AMICO

Notice of Granting of Relief

Notice is hereby given that Joseph D'Amico, 2037 West 11th Street, Brooklyn, N.Y. 11223, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 22, 1953, in the U.S. District Court for the Northern District of New York, Kings County, N.Y. of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Joseph D'Amico because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition

importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. D'Amico to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Joseph D'Amico's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Joseph D'Amico be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of April 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 70-5719; Filed, May 8, 1970; 8:47 a.m.]

FRED INMAN

Notice of Granting of Relief

Notice is hereby given that Fred Inman, 9561 Piedmont, Detroit, Mich., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 19, 1956, in the Circuit Court of Macomb, Mount Clemens, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Fred Inman because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Fred Inman to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Fred Inman's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Fred Inman be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of April 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 70-5724; Filed, May 8, 1970; 8:48 a.m.]

DONALD JOHNSON

Notice of Granting of Relief

Notice is hereby given that Donald Johnson, 51 West Main Street, Ware, Mass. 01082, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 11, 1964, in the District Court, East Brookfield, Mass., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Donald Johnson because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Johnson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Donald Johnson's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Donald Johnson be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of April 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 70-5717; Filed, May 8, 1970; 8:47 a.m.]

NORMAN J. NOVAK

Notice of Granting of Relief

Notice is hereby given that Norman J. Novak, 20418 Stotter, Detroit, Mich., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about December 15, 1958, in the Recorder's Court, Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Norman J. Novak because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), because of such conviction, it would be unlawful for Mr. Novak to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Norman J. Novak's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States

Code and delegated to me by 26 CFR 178.144, it is ordered that Norman J. Novak be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 27th day of April 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 70-5718; Filed, May 8, 1970; 8:47 a.m.]

WALLACE LOERKI SONNENSCHEIN

Notice of Granting of Relief

Notice is hereby given that Wallace Loerki Sonnenschein, 720 Fifth Avenue SW., Pipestone, Minn., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 30, 1937, in the U.S. District Court, St. Paul, Minn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Wallace L. Sonnenschein because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Wallace L. Sonnenschein to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Wallace L. Sonnenschein's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Wallace L. Sonnenschein be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of April 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 70-5716; Filed, May 8, 1970; 8:47 a.m.]

RAYMOND ROY TWEEDALE

Notice of Granting of Relief

Notice is hereby given that Raymond Roy Tweedale, Route 1, Seymour, Wis., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 17, 1969, in the Brown County Court, Green Bay, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Raymond R. Tweedale, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Tweedale to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Raymond Tweedale's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Raymond Tweedale be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of April 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 70-5725; Filed, May 8, 1970; 8:48 a.m.]

Office of the Secretary

LOUDSPEAKERS FROM JAPAN

Notice of Tentative Negative Determination

MAY 5, 1970.

Information was received on March 22, 1968, that loudspeakers from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 10, 1968, on page 12792.

I hereby make a tentative determination that loudspeakers from Japan are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. It was determined that a sufficient quantity of merchandise was sold in the home market to form a basis for the use of foreign market value for comparison. Sales were made to both related and unrelated parties in the United States. Comparison was, therefore, made between foreign market value and purchase price or exporter's sales price, as appropriate.

Purchase price was based on the sale price to the United States with adjustments made for inland freight and an export inspection fee.

Exporter's sales price was determined by making appropriate adjustments to the resale price of the related firm to purchasers in the United States for ocean freight, insurance, U.S. duty, brokerage fee, inland freight, and selling expenses in the United States; an export inspection fee, inland freight, and shipping charges in Japan.

Home market price was based on the weighted average home market price for such or similar merchandise with appropriate adjustments for discounts, inland freight, interest cost, and packing differential.

The comparisons revealed that, except for one manufacturer, the purchase price and exporter's sales price were higher than foreign market value. With respect to the one manufacturer, it was found that purchase price was lower than foreign market value for some items. The manufacturer has provided assurances that there will be no future sales made at less than fair value.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-5712; Filed, May 8, 1970; 8:47 a.m.]

PIG IRON FROM NORWAY

Determination of Sales at Not Less Than Fair Value

MAY 5, 1970.

On April 1, 1970, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that pig iron from Norway is not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until April 14, 1970, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine, for the reasons stated in the tentative determination, that pig iron from Norway is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-5713; Filed, May 8, 1970; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-12452]

ALASKA

Notice of Proposed Classification of Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management, the public lands described in paragraph 2. As used herein, "public lands" means any lands not withdrawn or reserved for a Federal use or purpose.

Publication of this notice will not affect valid existing rights or the determination and protection of the rights of the Native Aleuts, Eskimos, and Indians of Alaska.

Except as provided in paragraphs 3 and 4, publication of this notice has the effect of segregating the public lands described from appropriation under the Agricultural Land Laws, 43 CFR 2211.9 (48 U.S.C. 371-380); the Trade and Manufacturing Site Law, 43 CFR 2213 (48 U.S.C. 461); the Headquarters Site Law, 43 CFR 2233.9-1 (48 U.S.C. 461); the Homesite Law, 43 CFR 2233.9-2 (48 U.S.C. 461); the Native and General Allotment Acts, 43 CFR 2212 (48 U.S.C. 357-357b, 25 U.S.C. 334).

The lands shall remain open to all other applicable forms of appropriation, including selections by the State of Alaska, and the mining and mineral leasing laws, except as provided in paragraph 5.

2. The public domain lands affected are located in east central Alaska in the area commonly known as the Forty-mile country.

The lands proposed to be classified are described as follows and are shown on maps on file in the Fairbanks District and Land Office, 516 Second Avenue, Fairbanks, Alaska 99701; the State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501; and the Delta Resource Area Office, Box 967, Delta Junction, Alaska 99737.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 4 S., R. 6 E., N½.
T. 3 S., R. 7 E.
T. 4 S., R. 7 E.,
  Secs. 1 to 11, inclusive;
  Sec. 12, N½, N½SW¼;
  Sec. 14, N½NW¼, SW¼NW¼, NW¼NE¼;
  Sec. 15, N½, N½SW¼, SW¼SW¼, NW¼SE¼;
  Secs. 16 to 18, inclusive.
T. 3 S., R. 8 E.,
  Secs. 1 to 23, inclusive;
  Secs. 24 to 28, that portion within lands described in Public Law 87-320;
  Secs. 29 to 31, inclusive;
  Sec. 32, W½, W½E½.
T. 4 S., R. 8 E.,
  Sec. 5, NW¼, W½NE¼, NW¼SW¼;
  Sec. 6;
  Sec. 7, N½NW¼.
T. 3 S., R. 9 E., that portion within lands described in Public Law 87-320.
Tps. 5 to 6 S., R. 9 E.
Tps. 1 to 2 S., R. 10 E.
T. 3 S., R. 10 E., that portion within lands described in Public Law 87-320.
Tps. 4 to 6 S., R. 10 E.
Tps. 1 to 2 S., R. 11 E.
T. 3 S., R. 11 E., that portion within lands described in Public Law 87-320.
Tps. 4 to 7 S., R. 11 E., inclusive.
Tps. 1 N. to 7 S., R. 12 E., inclusive.
Tps. 1 N. to 7 S., R. 13 E., inclusive.
Tps. 1 N. to 9 S., R. 14 E., inclusive.
Tps. 2 N. to 9 S., R. 15 E., inclusive.
Tps. 2 N. to 9 S., R. 16 E., inclusive.
Tps. 2 N. to 8 S., R. 17 E., inclusive.
Tps. 3 N. to 8 S., R. 18 E., inclusive.
Tps. 3 N. to 8 S., R. 19 E., inclusive.
Tps. 3 N. to 8 S., R. 20 E., inclusive.
Tps. 3 N. to 8 S., R. 21 E., inclusive.
Tps. 3 N. to 8 S., R. 22 E., inclusive.
Tps. 4 N. to 8 S., R. 23 E., inclusive.
Tps. 7 N. to 8 S., R. 24 E., inclusive.
Tps. 7 N. to 8 S., R. 25 E., inclusive.
Tps. 8 N. to 8 S., R. 26 E., inclusive.
Tps. 8 N. to 8 S., R. 27 E., inclusive.
Tps. 8 N. to 8 S., R. 28 E., inclusive.
Tps. 9 N. to 8 S., R. 29 E., inclusive.
Tps. 10 N. to 8 S., R. 30 E., inclusive.
Tps. 11 N. to 8 S., R. 31 E., inclusive.
Tps. 12 N. to 8 S., R. 32 E., inclusive.
Tps. 8 N. to 8 S., R. 33 E., inclusive.
Tps. 5 S. to 8 S., R. 34 E., inclusive.

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

Tps. 24 N. to 28 N., R. 5 E., inclusive.
Tps. 24 N. to 28 N., R. 6 E., inclusive.
Tps. 24 N. to 28 N., R. 7 E., inclusive.
Tps. 24 N. to 28 N., R. 8 E., inclusive.
Tps. 22 N. to 28 N., R. 9 E., inclusive.
Tps. 22 N. to 28 N., R. 10 E., inclusive.
Tps. 11 N. to 12 N., 21 N. to 28 N., R. 11 E.
Tps. 11 N. to 15 N., excluding USS 2547, Tetlin Indian Reservation and 21 N. to 28 N., R. 12 E.
Tps. 10 N. to 14 N., 16 N., excluding USS 2547, Tetlin Indian Reservation and 20 N. to 28 N., R. 13 E.
Tps. 10 N. to 11 N., excluding USS 2547, Tetlin Indian Reservation and 20 N. to 28 N., R. 14 E.
Tps. 9 N., 10 N., 11 N., excluding USS 2547, Tetlin Indian Reservation and 20 N. to 28 N., R. 15 E.
Tps. 6 N. to 10 N., 11 N., excluding USS 2547, Tetlin Indian Reservation.
Tps. 16 N., 17 N., excluding USS 2547, Tetlin Indian Reservation and 18 N. to 28 N., R. 16 E.
Tps. 6 N. to 10 N., 11 N. to 17 N., excluding USS 2547, Tetlin Indian Reservation and 18 N. to 28 N., R. 17 E.
Tps. 6 N. to 28 N., R. 18 E.
Tps. 5 N. to 28 N., R. 19 E.
Tps. 5 N. to 11 N., 12 N., W½, 15 N. to 28 N., R. 20 E.
Tps. 5 N. to 11 N., 14 N. to 28 N., R. 21 E.
Tps. 5 N. to 28 N., R. 22 E.
Tps. 5 N. to 24 N., R. 23 E.
Tps. 5 N. to 8 N., R. 24 E.

The areas described aggregate approximately 12,450,000 acres of which approximately 11,950,000 acres are public domain.

3. The following lands are within the areas described in paragraph 2. These lands shall remain open to Native Allotments, 43 CFR 2212.9 (48 U.S.C. 357-357b) and Homesites, 43 CFR 2233.9-2 (48 U.S.C. 461). All other provisions of paragraph 1 shall apply.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

a. Yukon River Allotment Area

T. 2 N., R. 31 E.,
  Secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36.
T. 2 N., R. 32 E.
T. 1 N., R. 31 E.,
  Secs. 1, 2, 11, and 12.
T. 1 N., R. 32 E.,
  Secs. 1 to 9, inclusive;
  Sec. 10, W½;
  Sec. 11, E½;
  Secs. 12, 13;
  Sec. 14, E½;
  Sec. 15, W½;
  Secs. 16 to 21, inclusive;
  Sec. 23, NE¼, S½;
  Secs. 24 to 26, inclusive;
  Secs. 28 to 36, inclusive.
T. 1 N., R. 33 E.
T. 1 S., R. 33 E.,
  Secs. 1 to 30, inclusive;
  Secs. 31 to 34, that portion north of the Yukon River;
  Secs. 35, 36.
T. 2 S., R. 32 E.,
  Sec. 1.
T. 2 S., R. 33 E.,
  Secs. 1, 2, 11 to 36, inclusive.
T. 3 S., R. 33 E.,
  Secs. 1, 2.

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

b. Nabesna River Allotment Area

T. 11 N., R. 16 E., excluding U.S. Survey 2547, Tetlin Indian Reservation.
T. 16 N., R. 16 E., that portion lying south of the Tanana River and excluding U.S. Survey 2547, Tetlin Indian Reservation.
Tps. 11 N. to 15 N., R. 17 E., excluding U.S. Survey 2547, Tetlin Indian Reservation.
T. 16 N., R. 17 E., that portion lying south of the Tanana River and excluding U.S. Survey 2547, Tetlin Indian Reservation.
Tps. 11 N. to 13 N., R. 18 E.
T. 14 N., R. 18 E.,
Secs. 1 to 22, inclusive;
Sec. 23, E½;
Sec. 24;
Secs. 27 to 34, inclusive;
Sec. 35, S½.
T. 15 N., R. 18 E., that portion lying south of the Tanana River.
Tps. 11 N. to 13 N., R. 19 E.
T 14 N., R. 19 E.,
Sec. 4, that portion lying south of the Chisana River;
Secs. 5 to 8, inclusive;
Sec. 9, W½;
Sec. 13, SW¼, that portion lying south of the Chisana River;
Sec. 14, that portion lying south of the Chisana River;
Sec. 15, E½, that portion lying south of the Chisana River;
Sec. 16, W½;
Secs. 17 to 23, inclusive;
Sec. 24, that portion lying south of the Chisana River;
Secs. 25 to 29, inclusive;
Sec. 31, SE¼;
Secs. 32 to 36, inclusive;
T. 15 N., R. 19 E., that portion lying south of the Chisana and Tanana Rivers.
T. 11 N., R. 20 E.
T. 12 N., R. 20 E., W½.

The areas described aggregate approximately 420,245 acres.

4. The following lands are within the areas described in paragraph 2. These lands shall remain open to appropriation under the law governing Headquarter Sites, 43 CFR 2233.9–1 (48 U.S.C. 461) and Homesites, 43 CFR 2233.9–2 (48 U.S.C. 461). All other provisions of paragraph 1 shall apply.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

a. Eagle Open Area

T. 1 S., R. 33 E.,
The portions of secs. 31 to 34, inclusive lying south of the Yukon River.
T. 2 S., R. 32 E.,
Sec. 1.
T. 2 S., R. 33 E.,
Secs. 3 to 10, inclusive.

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

b. Chicken Open Area

T. 26 N., R. 17 E.,
Secs. 1, 2, 11, 12.
T. 26 N., R. 18 E.,
Secs. 3 to 10, inclusive.
T. 27 N., R. 17 E.,
Secs. 13, 14, 23 to 26, inclusive, 35, 36.
T. 27 N., R. 18 E.,
Secs. 15 to 22, inclusive, 27 to 34 inclusive.

c. Northway Junction Open Area

T. 14 N., R. 19 E.,
Sec. 2, S½;
Sec. 3, S½;
Sec. 4, E½, that portion of the NW¼ lying north of the Chisana River;
Sec. 9, E½;
Sec. 10, N½, SW¼, that portion of the SE¼ lying north of the Chisana River;
Sec. 11, N½, that portion of the S½ lying north of the Chisana River;
Sec. 12, W½;
Sec. 13, N½, SE¼, that portion of SW¼ lying north of the Chisana River;
Sec. 14, N½, that portion lying north of the Chisana River;
Sec. 15, W½, that portion of the NE¼ lying north of the Chisana River;
Sec. 16, E½.

d. Northway Village Open Area

T. 14 N., R. 18 E.,
Sec. 23, W½;
Secs. 25, 26;
Sec. 35, N½;
Sec. 36.
T. 14 N., R. 19 E.,
Sec. 30;
Sec. 31, N½, SW¼.

e. Scotty Creek Open Area

T. 10 N., R. 23 E.,
Sec. 2, SW¼;
Sec. 3;
Sec. 10, NE¼;
Sec. 11, NW¼.

The areas described aggregate approximately 38,605 acres.

5. The following lands, within the areas described in paragraph 2, are further segregated from the operation of the Mining Laws.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

a. Calico Bluffs

T. 1 N., R. 32 E.,
Sec. 10, E½;
Sec. 11, W½;
Sec. 14, W½;
Sec. 15, E½;
Sec. 22;
Sec. 23, NW¼;
Sec. 27.

b. American Creek

T. 2 S., R. 32 E.,
Sec. 27, SW¼NE¼, including U.S. Survey 3694.

c. Liberty Creek

T. 5 S., R. 33 E.,
Sec. 9, E½SE¼SE¼;
Sec. 10, W½SW¼SW¼.

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTION

d. Walker Fork

T. 27 N., R. 19 E.,
Sec. 35.

e. West Fork

T. 24 N., R. 16 E.,
Sec. 1, SE¼NW¼, E½SW¼NW¼, W½SW¼NE¼, N½NE¼SW¼, NE¼NW¼SW¼, NW¼NW¼SE¼.

f. Boundary

T. 27 N., R. 22 E.,
Sec. 25, S½;
Sec. 26, S½;
Sec. 35;
Sec. 36.

The areas described aggregate approximately 5,016 acres.

6. All persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Fairbanks District Manager, Bureau of Land Management.

7. Public hearings will be held in Fairbanks and other communities where sufficient public interest warrants. The time and place of these hearings will be announced.

BURTON W. SILCOCK,
State Director.

APRIL 27, 1970.

[F.R. Doc. 70-5743; Filed, May 6, 1970; 8:49 a.m.]

[F-12451]

ALASKA

Notice of Proposed Classification of Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management, the public lands described in paragraph 2. As used herein, "public lands" means any lands not withdrawn or reserved for a Federal use or purpose.

Publication of this notice will not affect valid existing rights or the determination and protection of the rights of the Native Aleuts, Eskimos, and Indians of Alaska.

Except as provided in paragraph 3, publication of this notice has the effect of segregating the public lands described from appropriation under the Agricultural Land Laws, 43 CFR 2211.9 (48 U.S.C. 371–380); the Trade and Manufacturing Site Law, 43 CFR 2213 (48 U.S.C. 461); the Headquarters Site Law, 43 CFR 2233.9–1 (48 U.S.C. 461); the Homesite Law, 43 CFR 2233.9–2 (48 U.S.C. 461); the Native and General Allotment Acts, 43 CFR 2212 (48 U.S.C. 357–357b, 25 U.S.C. 334).

The lands shall remain open to all other applicable forms of appropriation, including selections by the State of Alaska and the mining and mineral leasing laws, except as provided in paragraph 4.

2. The public domain lands affected are located in central Alaska, north and east of Fairbanks and generally embracing the White Mountains and both sides of the Steese Highway.

The lands proposed to be classified are described as follows and are shown on maps on file in the Fairbanks District and Land Office, 516 Second Avenue, Fairbanks, Alaska 99701 and the State Office, Bureau of Land Management, 555 Cordova Street, Anchorage Alaska 99501.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 15 N., R. 6 E. through 11 E., S½ of each township.
T. 14 N., R. 6 E. through R. 11 E.
T. 13 N., R. 1 W.
T. 13 N., R. 1 E. through R. 14 E.
T. 12 N., R. 1 W. through R. 3 W.
T. 12 N., R. 1 E. through R. 17 E.
T. 12 N., R. 18 E., southwest of Yukon River.
T. 11 N., R. 1 W. through R. 3 W.
T. 11 N., R. 1 E. through R. 17 E.

T. 11 N., R. 18 E., southwest of Yukon River.
T. 10 N., R. 1 W. through R. 3 W.
T. 10 N., R. 1 E. through R. 16 E.
T. 10 N., Rs. 17 and 18E., southwest of Yukon River.
T. 9 N., R. 1 W. through R. 3 W.
T. 9 N., R. 1 E. through R. 17 E.
T. 9 N., Rs. 18 and 19 E., southwest of Yukon River.
T. 8 N., R. 1 W. through R. 3 W.
T. 8 N., R. 1 E. through R. 18 E.
T. 8 N., Rs. 19 and 20 E., southwest of Yukon River.
T. 7 N., R. 1 W. through R. 3 W.
T. 7 N., R. 1 E. through R. 19 E.
T. 7 N., Rs. 20 and 21 E., southwest of Yukon River.
T. 6 N., R. 1 W. through R. 3 W.
T. 6 N., R. 1 E. through R. 20 E.
T. 6 N., Rs. 21, 22, and 23 E., southwest of Yukon River.
T. 5 N., R. 1 W. through R. 3 W.
T. 5 N., R. 1 E. through R. 23 E.
T. 4 N., R. 1 W. through R. 3 W.
T. 4 N., R. 3 E. through R. 22 E.
T. 3 N., R. 3 E. through R. 6 E.
T. 3 N., R. 7 E., N½, SW¼.
T. 3 N., R. 9 E. through R. 17 E.
T. 2 N., R. 3 E. through R. 5 E.
T. 2 N., R. 6 E., W½.
T. 2 N., R. 10 E. through R. 13 E.
T. 2 N., R. 14 E., that portion within lands described in Public Law 87-320.
T. 1 N., R. 8 E., that portion within lands described in Public Law 87-320.
T. 1 N., R. 9 E., that portion within lands described in Public Law 87-320.
T. 1 N., R. 10 E., that portion within lands described in Public Law 87-320.
T. 1 N., R. 11 E.
T. 1 S., R. 3 E., SE¼.
T. 1 S., R. 4 E., S½.
T. 1 S., R. 5 E., S½.
T. 1 S., R. 6 E., that portion within lands described in Public Law 87-320 and 87-326.
T. 1 S., R. 7 E., that portion within lands described in Public Law 87-320.
T. 1 S., R. 8 E., that portion within lands described in Public Law 87-320.
T. 1 S., R. 9 E.
T. 2 S., R. 3 E., that portion within lands described in Public Law 87-326, and PLO 684, 794, and 1203.
T. 2 S., R. 4 E. through R. 9 E.
T. 3 S., R. 3 E., that portion within lands described in PLO 684.
T. 3 S., R. 4 E. through R. 6 E.
T. 4 S., R. 4 E., that portion within lands described in Public Law 87-326.
T. 4 S., R. 5 E., that portion within lands described in Public Law 87-326 and PLO 1523.

Containing approximately 6,105,442 acres.

3. The following lands are within the area described in paragraph 2. These lands shall remain open to Homesites, 43 CFR 2233.9-2 (48 U.S.C. 461) and Headquarter Sites 43 CFR 2233.9-1 (48 U.S.C. 461). All other provisions of paragraph 1 shall apply.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

a. Chatanika River Open Area

All lands within ¼ mile of the centerline of the Steese Highway, lying to the north of the Steese Highway, from the point where it enters T. 4 N., R. 3 E., to the point where it leaves T. 5 N., R. 4 E., F.M.

Containing approximately 1,320 acres.

b. Sourdough Open Area

All lands within ¼ mile of the centerline of the Steese Highway, lying to the north of the Steese Highway from the point where it enters T. 5 N., R. 6 E., to the point where it leaves T. 5 N., R. 6 E., F.M.

Containing approximately 920 acres.

c. Circle Open Area

All lands within ¼ mile of the centerline of the Steese Highway, lying on both sides of the highway, from its end at the Yukon River, to the point where it leaves sec. 28, T. 11 N., R. 17 E., F.M.

Containing approximately 2,980 acres.

d. Circle Springs Open Area

All lands within ¼ mile of the centerline of the Circle Hot Springs Highway, lying on both sides of the highway, from its junction with the Steese Highway at Central, to the point where it leaves sec. 17, T. 8 N., R. 15 E., F.M.

Containing approximately 1,730 acres.

e. Central Open Area

All lands within ¼ mile of the centerline of the Steese Highway, lying on both sides of the highway, from the point where it enters T. 9 N., R. 14 E., to the point where it crosses Albert Creek, within sec. 19, T. 9 N., R. 15 E., F.M.

Containing approximately 2,560 acres.

The areas described aggregate approximately 9,510 acres.

4. The following lands, within the area described in paragraph 2, are further segregated from the operation of the mining laws.

a. Birch Creek

Beginning at a point on the centerline of the Steese Highway, approximately 44 chains westerly along the centerline of said highway, from the west most end of the bridge across Birch Creek, near milepost 147, said point of beginning being at approximately 65°42'50" N., latitude, 144°21'10" W. longitude; thence north 20 chains; thence east 40 chains to a point on the east bank of Birch Creek; thence southerly along the east bank of Birch Creek 33.5 chains to a point on the centerline of the Steese Highway; thence easterly along the centerline of the Steese Highway 20 chains; thence south 32 chains; thence west 72 chains; thence north 44 chains to the point of beginning.

Containing 385.2 acres.

b. Jumpoff Creek

Beginning at corner 1, U.S. Survey No. 2768; thence N. 51°45' W., 4 chains; thence N. 38°15' E., 9.9 chains to the south and left banks of Birch Creek; thence easterly along the south and left banks of Birch Creek to a point which bears N. 38°15' E., 4.30 chains from corner 2, U.S. Survey No. 2768; thence S. 38°15' W., 11.5 chains to the point of beginning.

Containing approximately 4 acres.

c. North Fork

Beginning at BM 2113, located on the north side of the Steese Highway near milepost 94, at approximately 65°24'15" N. latitude, 145°44'51" W. longitude; thence east 88 chains; thence south 96 chains; thence west 88 chains; thence north 96 chains to the point of beginning.

Containing 844.8 acres.

The areas described aggregate approximately 1,234 acres.

5. All persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Fairbanks District Manager, Bureau of Land Management.

6. Public hearings will be held in Fairbanks and other communities where sufficient public interest warrants. The time and place of these hearings will be announced.

BURTON W. SILCOCK,
State Director.

APRIL 27, 1970.

[F.R. Doc. 70-5742; Filed, May 8, 1970; 8:49 a.m.]

[Serial Number R-2232]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The public lands located within the following described areas are shown on maps designated 2412-04-01-02 (R-2232), on file in the Bakersfield District Office, Bureau of Land Management, Room 311, 800 Truxtun Avenue, Bakersfield, Calif. 93301, and Land Office, Bureau of Land Management, 1414 University Avenue, Riverside, Calif. 92502.

The overall description of the areas is as follows:

MOUNT DIABLO MERIDIAN

All in public lands in:

MONO COUNTY

T. 5 S., R. 30 E.,
Sec. 36, E½, S½NW¼, lots 1 and 2 of the SW¼ and W½SW¼.

INYO COUNTY

T. 9 S., R. 33 E.,
Sec. 2, lot 14.
T. 13 S., R. 35 E.,
Sec. 6, N½ of lot 13.
T. 13 S., R. 36 E.,
Sec. 18, E½, W½ of lot 1 of NW¼;
Sec. 35;
Sec. 36.
T. 14 S., R. 36 E.,
Sec. 1, unsurveyed;
Sec. 2, E½, unsurveyed;
Sec. 12, unsurveyed;
Sec. 13, E½, unsurveyed;
Sec. 24, E½, unsurveyed;
Sec. 25, NE¼, unsurveyed.
T. 14 S., R. 37 E.,
Portions of secs. 6, 7, 18, to 20, 29, 30, 32, and 33, unsurveyed.

T. 15 S., R. 37 E.,
Portions of secs. 3 and 4, unsurveyed;
Sec. 9, unsurveyed;
Portions of secs. 10 to 14, inclusive, unsurveyed;
Secs. 15 and 16, unsurveyed;
Secs. 21 to 28, inclusive, unsurveyed;
Secs. 34 to 35, inclusive, unsurveyed.
T. 15 S., R. 38 E.,
Portions of secs. 8, 19, 20, 27 to 35, inclusive, unsurveyed.
T. 16 S., R. 37 E.,
Secs. 1 and 2, unsurveyed;
Sec. 3, NE¼ unsurveyed;
Sec. 12, unsurveyed;
Sec. 13, NE¼ unsurveyed.
T. 16 S., R. 38 E.,
Sec. 2, portion of W½, unsurveyed;
Secs. 3 to 10, inclusive, unsurveyed;
Portions of secs. 11, 13, 14, unsurveyed;
Secs. 15 to 21, inclusive;
Portions of secs. 22, 23, 26, and 27, unsurveyed;
Sec. 30, NW¼NE¼, N½ of lot 1 of NW¼, N½ of lot 2 of NW¼.

The area described aggregates approximately 38,894 acres.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classifications may present their views in writing to the Bakersfield District Manager.

4. A public hearing on the proposed classification will be held on Wednesday, June 17, 1970, at 10 a.m., in the Board of Supervisors Chamber, Inyo County Courthouse, Independence, Calif.

Dated: May 1, 1970.

For the State Director.

ROBERT J. SPRINGER,
Bakersfield District Manager.

[F.R. Doc. 70-5695; Filed, May 8, 1970; 8:45 a.m.]

[Serial Number S-2577]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below. Publication of this notice has the effect of (a) segregating the land described in paragraph 2 from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) of further segregating the lands described in paragraph 3 of this notice from the operation of the general mining laws (30 U.S.C. Ch. 2). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The public lands located within the following described areas are shown on maps designated 2412-04-01-33 (S-2577)-Kaweah on file in the Bakersfield District Office, Bureau of Land Management, Bakersfield, Calif. 93301, and in the Land Office, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, Calif. 95825. The overall description of the area is as follows:

MOUNT DIABLO MERIDIAN

TULARE COUNTY

All public land in:

Block 1

T. 15 S., R. 28 E.,
Secs. 26, 27, 34, 35, and 36.
T. 16 S., R. 28 E.,
Secs. 1, 2, 3, 10, 11, 13, 14, 22, 23, 24, 25, 26, 34, and 36.
T. 17 S., R. 28 E.,
Secs. 1, 2, and 12.
T. 17 S., R. 29 E.,
Secs. 5, 6, and 7.

Block 2

T. 17 S., R. 29 E.,
Secs. 1, 2, 3, 10, 11, 12, 13, 15, 20, 22, 24, 25, 26, 27, 28, 33, 34, 35, 36 through 39, 40, 41, 42, 43, 44, 45, and 46.
T. 18 S., R. 29 E.,
Secs. 1, 2, 4, 10, 11, 12, 13, 22, 25, 26, and 27.

Block 3

T. 19 S., R. 29 E.,
Secs. 5, 6, 7, 8, 15, 18, 19, 20, 21, 28, and 29.

The area described aggregates approximately 28,682 acres.

3. The following described lands, aggregating approximately 3,680 acres, are further segregated from appropriation under the general mining laws:

MOUNT DIABLO MERIDIAN

All public land in:

Block 1

T. 16 S., R. 28 E.,
Sec. 13, NW¼NW¼, S½N½, S½;
Sec. 23, SE¼;
Sec. 24, NE¼, N½NW¼, E½SW¼, SE¼;
Sec. 25, all;
Sec. 26, SE¼.

Block 2

T. 17 S., R. 29 E.,
Sec. 3, SW¼;
Sec. 10, all;
Sec 37, SE¼;
Sec. 38, E½SE¼.

All public land within 200 feet of centerline of the Case Mountain Road, BLM No. 1228 as built in secs. 40, 42, 45, 33, 27, 26, and 35 in T. 17 S., R. 29 E., M.D.M.

All public land within 500 feet of centerline of Mineral King Highway, State Route 276 as built through secs. 37, 10, 38, 11, and 12 in T. 17 S., R. 29 E., M.D.M.

4. For a period of 60 days from date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Bakersfield District Manager, Bureau of Land Management, Room 311, Federal Building, 800 Truxtun Avenue, Bakersfield, Calif. 93301.

5. A public meeting will be held on June 10, 1970 at 11 a.m. at the Three Rivers Memorial Building, 43490 Sierra Drive, Three Rivers, Calif.

Dated: May 1, 1970.

For the State Director.

ROBERT J. SPRINGER,
Bakersfield District Manager.

[F.R. Doc. 70-5696; Filed, May 8, 1970; 8:45 a.m.]

[R 2231; S 2576]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the areas described below. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

3. The public lands located within the following described areas are shown on maps designated 2412-04-01-34 (R-2231, S-2576) on file in the District Office, Bureau of Land Management, Room 311, Federal Building, 800 Truxtun Avenue, Bakersfield, Calif.

The overall description of the areas is as follows:

MOUNT DIABLO MERIDIAN

KERN, SAN LUIS OBISPO AND SANTA BARBARA COUNTIES

Block No. 1

All public land in:
T. 30 S., R. 17 E.,
Secs. 2 and 3;
Secs. 10 to 14, inclusive.
T. 31 S., R. 17 E.,
Secs. 11 and 13.
T. 30 S., R. 18 E.,
Sec. 7;
Secs. 17 to 21, inclusive;
Secs. 28, 29, 30, 32, and 33.
T. 31 S., R. 19 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive.
T. 31 S., R. 20 E.,
Secs. 17 to 20, inclusive.

Block No. 2

All public land in:
T. 32 S., R. 19 E.,
Sec. 28.

Block No. 3

All public land in:
T. 30 S., R. 21 E.,
Sec. 33.
T. 31 S., R. 21 E.,
Secs. 1, 2, 12, 13, and 24.
T. 31 S., R. 22 E.,
Sec. 7;
Secs. 18 and 19.

Block No. 5

All public land in:
T. 29 S., R. 19 E.,
Secs. 1 and 12.
T. 29 S., R. 20 E.,
Secs. 1 to 4, inclusive;
Secs. 6 and 7;
Secs. 9 to 15, inclusive;
Secs. 17 to 22, inclusive;
Secs. 25 to 27, inclusive;
Secs. 29 and 35.
T. 30 S., R. 20 E.,
Sec. 1.
T. 29 S., R. 21 E.,
Sec. 7;
Secs. 29 to 31, inclusive;
Sec. 33.
T. 30 S., R. 21 E.,
Secs. 1 to 11, inclusive;
Secs. 16 and 24.
T. 29 S., R. 22 E.,
Secs. 30 and 32.
T. 30 S., R. 22 E.,
Secs. 2, 4, 6, 8, 10, 18, 22, and 26;
Secs. 29 to 33, inclusive; and sec. 34.
T. 31 S., R. 22 E.,
Secs. 2, 4, 5, 6, 8, 9, 10, and 12;
Secs. 21 to 23, inclusive;
Secs. 24, 27, and 35.
T. 31 S., R. 23 E.,
Secs. 6 and 32.
T. 32 S., R. 23 E.,
Secs. 4, 5, 7, 9, 10, 15, and 27.
T. 32 S., R. 24 E.,
Secs. 20, 24, 28, and 30.

SAN BERNARDINO MERIDIAN

Block No. 2

All public land in:
T. 9 N., R. 24 W.,
Secs. 5 and 6.
T. 10 N., R. 24 W.,
Secs. 30, 31, and 32.
T. 10 N., R. 25 W.,
Sec. 25.
T. 11 N., R. 26 W.,
Sec. 36.
T. 11 N., R. 27 W.,
Secs. 16 and 36.
T. 12 N., R. 28 W.,
Sec. 36.
T. 12 N., R. 29 W.,
Sec. 36.

Block No. 3

All public land in:
T. 10 N., R. 23 W.,
Secs. 4 and 5.
T. 11 N., R. 23 W.,
Secs. 21, 22, and 23;
Secs. 25 to 29, inclusive;
Secs. 31, 32, and 33.
T. 10 N., R. 24 W.,
Secs. 4 and 5.
T. 11 N., R. 24 W.,
Sec. 16.
T. 11 N., R. 25 W.,
Secs. 22 to 26, inclusive.

Block No. 5

All public land in:
T. 11 N., R. 23 W.,
Secs. 6, 17, and 18.
T. 12 N., R. 23 W.,
Sec. 32.

The area described aggregates approximately 40,000 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Bakersfield, Calif. 93301.

5. A public hearing on the proposed classification will be held at 10 a.m. on June 10, 1970, in Room 32 at the Fort in Ford City (Taft), Calif.

Dated: May 1, 1970.

For the State Director.

ROBERT J. SPRINGER,
Bakersfield District Manager.

[F.R. Doc. 70-5697; Filed, May 8, 1970; 8:46 a.m.]

[Utah 11464]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

MAY 4, 1970.

The U.S. Department of Agriculture has filed an application, Serial No. Utah 11464, for the withdrawal of the lands described below from location and entry under the general mining laws, subject to valid existing rights. The lands are located in the Fishlake National Forest in Beaver, Millard, Piute, Sevier, and Wayne Counties.

The applicant desires the withdrawal for the protection of existing and planned Government investments, and to assure the retention of the land for public use. The proposed withdrawal covers 15 recreation sites and one area treated to stabilize fragile watershed conditions.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

FISHLAKE NATIONAL FOREST

Shell Oil Campground

T. 22 S., R. 4 W.,
Sec. 27, W½NW¼NW¼;
Sec. 28, E½NE¼NE¼.

40 acres.

Monrovian Park Campground

T. 25 S., R. 3 W.,
Sec. 25, an irregular tract of 9.63 acres in SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.

Johnson Valley Reservoir Campground

T. 25 S., R. 2 E.,
Sec. 24, SW¼NE¼, NE¼SW¼, NW¼SE¼.

120 acres.

Lake Creek Campground

T. 25 S., R. 2 E.,
Sec. 26, SW¼NE¼, NW¼SE¼NE¼, SW¼SE¼NE¼.

60 acres.

Frying Pan Campground

T. 25 S., R. 2 E.,
Sec. 27, SW¼NE¼, SE¼NE¼NW¼, E½SE¼NW¼.

70 acres.

Johnson Valley Reservoir Boat Ramp

T. 25 S., R. 3 E.,
Sec. 30, NW¼NW¼.

40 acres.

Doctor Creek Recreation Area

T. 26 S., R. 1 E.,
Sec. 24, NE¼NE¼, SE¼NE¼, SE¼NW¼.

120 acres.

Red Cliff Recreation Area

T. 28 S., R. 4 E.,
Sec. 22, S½SW¼SW¼;
Sec. 27, N½SW¼SW¼, SE¼SW¼SW¼, NE¼NW¼SW¼, S½NW¼SW¼, W½NW¼.

160 acres.

City Creek Camp and Picnic Area

T. 29 S., R. 4 W.,
Sec. 21, NW¼SE¼.

40 acres.

Mahogany Cove Campground

T. 29 S., R. 6 W.,
Sec. 24, SE¼NW¼SE¼.

10 acres.

Ponderosa Picnic Area

T. 29 S., R. 6 W.,
Sec. 26, NE¼NW¼, SE¼NW¼NW¼, NE¼SW¼NW¼, NW¼SE¼NW¼.

40 acres.

Little Reservoir Campground

T. 29 S., R. 6 W.,
Sec. 25, SE¼NW¼NW¼, NE¼SW¼NW¼.

20 acres.

Little Cottonwood Camp and Picnic Area

T. 29 S., R. 6 W.,
Sec. 28, W½ lot 3, E½ lot 4.

39.68 acres.

LaBaron Meadows Camp and Picnic Area
(Proposed)

T. 30 S., R. 5 W.,
Sec. 3, S½NE¼SE¼, N½SE¼SE¼.

40 acres.

Anderson Meadow Campground

T. 30 S., R. 5 W.,
Sec. 9, E½SW¼SW¼.

20 acres.

Delano Sub-Watershed Pilot Area

T. 28 S., R. 4 W.,
Sec. 29, W½SW¼NW¼, SE¼SW¼NW¼, SW¼NE¼SW¼, W½SW¼, W½SE¼SW¼, SE¼SE¼SW¼;
Sec. 30, S½N½NE¼, S½NE¼, SE¼NE¼NW¼, SE¼NW¼, N½NE¼SW¼, SE¼;
Sec. 31, NE¼, E½SE¼NE¼NW¼, E½NE¼SE¼NW¼, N½NE¼SE¼;

Sec. 32, NW¼, N½NW¼SW¼, NW¼NE¼ SW¼.

815 acres.

The areas described aggregate 1,719.63 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-5698; Filed, May 8, 1970; 8:46 a.m.]

[OR 4732]

OREGON

Notice of Proposed Classification of Public Lands for Multiple-Use Management

Correction

In F.R. Doc. 70-4517, appearing at page 6082, in the issue of Tuesday, April 14, 1970, the following changes should be made:

1. Under T. 23 S., R. 9 E., sec. 32 should read "E½NE¼, SE¼NW¼, E½SW¼, and SE¼;".

2. Under T. 40 S., R. 14½ E., sec. 5 should read "NW¼NE¼, S½NE¼, NW¼, and S½;".

Fish and Wildlife Service

[Docket No. C-319]

DOMENIC BATTAGLIA AND PHILIP BATTAGLIA

Notice of Loan Application

MAY 1, 1970.

Domenic Battaglia an. Philip Battaglia, 10 Imperial Avenue, San Francisco, Calif. 94123, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 60-foot length overall steel vessel to engage in the fishery for salmon, crab, and tuna.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Acting Chief, Division of Financial Assistance.

[F.R. Doc. 70-5699; Filed, May 8, 1970; 8:46 a.m.]

[Docket No. A-539]

HARRY C. McDERMOTT

Notice of Loan Application

MAY 4, 1970.

Harry C. McDermott, New England Fish Co., Steamboat Bay, Alaska, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 33.8-foot registered length wood vessel to engage in the fishery for salmon and halibut.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Acting Chief, Division of Financial Assistance.

[F.R. Doc. 70-5700; Filed, May 8, 1970; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File Nos. 23(68)-12, 22(69)-13]

HANS BORKMANN

Order Extending Temporary Denial of Export Privileges

In the matter of Hans Borkmann, Postfach 548, 2 Hamburg 52, Federal Republic of Germany, respondent.

An order temporarily denying export privileges for a period of 45 days was issued against the above respondent on March 24, 1970 (35 F.R. 5594). Said order was issued in connection with an investigation instituted by the Investigations Division, Office of Export Control, Bureau of International Commerce. On the evidence presented there was reasonable basis to believe that respondent had knowingly violated the indefinite denial order issued against him by the Director, Office of Export Control on October 21, 1969 (34 F.R. 17395).

The Director of said Investigations Division has applied under § 388.11 of the Export Control Regulations for an extension of the temporary denial order until completion of administrative compliance proceedings.

Evidence has been presented to show that the Director, Investigations Division on April 27, 1970 issued a charging letter against the respondent which contains allegations of violations of the Export Control Act of 1949,[1] and of the denial order of October 21, 1969. The said charging letter has been transmitted for service on respondent and after such service respondent has 30 days in which to answer the allegations thereof.

The application for extension of the temporary denial order has been considered by the Compliance Commissioner. He has found that such extension is reasonably necessary for the protection of the public interest. I confirm this finding. The Compliance Commissioner has recommended that the petition for extension be granted and that the temporary denial order be extended until competition of administrative compliance proceedings. I accept his recommendation.

Accordingly, it is hereby ordered. I. The prohibitions and restrictions of the temporary denial order issued in this matter on March 24, 1970 (35 F.R. 5594) are hereby continued in full force and effect.

II. The respondent is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulatons. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexporation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent but also to his assigns, representatives,

[1] This Act has been succeeded by the Export Administration Act of 1969, Public Law 91-184, 83 Stat. 841, approved Dec. 30, 1969. Section 13(b) of the new Act provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act."

agents, and employees and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order, unless hereafter amended, modified or vacated in accordance with the provisions of the U.S. Export Control Regulations, shall remain in effect until the completion of administrative compliance proceedings which will result from the charging letter of April 27, 1970.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with respondent or whereby the respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any said respondent; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent.

VII. In accordance with the provisions of § 388.11(c) of the Export Control Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C. at the earliest convenient date.

Dated: May 5, 1970.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 70-5706; Filed, May 8, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-146; NADA No. 140V]

SPOHN MEDICAL CO.

Spohn's Udder Aid; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for hearing on the matter of withdrawing approval of the new animal drug application for Spohn's Udder Aid was published in the FEDERAL REGISTER of February 28, 1970 (35 F.R. 3947).

The Spohn Medical Co., Goshen, Ind. 46526, holder of new animal drug application No. 140V covering the drug Spohn's Udder Aid, advised the Commissioner of Food and Drugs that they do not wish to avail themselves of the opportunity for a hearing. The Commissioner received no response to said notice from any other interested person.

Based on the grounds set forth in said notice of opportunity for hearing and the response to said notice, the Commissioner concludes that approval of new animal drug application No. 140V should be withdrawn. Therefore, pursuant to the provisions of the Federal Food Drug and Cosmetic Act (sec. 512(e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of new animal drug application No. 140V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: April 30, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-5694; Filed, May 8, 1970; 8:45 a.m.]

Office of Education

COPYRIGHT GUIDELINES

Notice of Issuance of Guidelines on Authorizing Copyright Protection for Materials Developed Under Project Grants and Contracts

These Guidelines, including the Statement of Copyright Policy, constitute revisions of the previous Guidelines and Statement. These Guidelines are being published in the FEDERAL REGISTER for the first time. The previous Statement of Policy was published in the FEDERAL REGISTER on March 1, 1968, and appeared in 33 F.R. 3653.

Sec.

SECTION 1 *Purpose and scope.* (a) the U.S. Office of Education is issuing with these Guidelines a revised Statement of Policy (see section 14) regarding materials developed under project grants and contracts. That Statement provides that, with respect to some materials, the public interest will best be served by disseminating those materials without copyright. However, with respect to other materials, copyright protection may be desirable during development, or as an incentive to promote the effective dissemination of such materials. These Guidelines set forth the policies and procedures implementing the revised Statement of Policy.

(b) The primary purpose of these Guidelines is to promote the effective dissemination and use of USOE supported materials in a fair and equitable manner to all interested parties—developers, producers, and users.

(c) The revised Statement of Policy and these Guidelines are applicable only to materials developed under project grants or contracts. They do not apply to materials developed under State-administered formula grant programs.

(d) Although materials developed under Office of Education grants and contracts will not be endorsed by the Office of Education, arrangements for copyright protection must normally be approved by the Commissioner of Education in order to assure that such arrangements are in the public interest. (See section 5 for exceptions.)

(e) The Office of Education will entertain requests for authorization to secure copyright. Although these Guidelines contemplate publication by commercial producers the copyright authorization request should be submitted by the grantee or contractor or by someone designated by the grantee or contractor. If the request is submitted by a producer the procedures for obtaining competition for publication may be arranged by the Office of Education. (See section 11.) The Commissioner of Education may authorize the securing of copyright to protect the integrity of the materials during development or as an incentive to promote the effective dissemination of final materials developed with USOE support. Such authorization will be conditioned upon the copyright being claimed only for a specified limited period of time (herein termed the authorized copyright period), a period of less duration than the statutory copyright term. Copyright authorization will be in the form of an agreement (herein termed the copyright authorization agreement) between the USOE and the grantee or contractor.

(f) In the event the Commissioner of Education (Commissioner) finds that the grantee or contractor has not complied, or is unwilling or unable to comply, with any of the material terms of the copyright authorization agreement, the USOE shall have the right to publish and disseminate the materials, or to have the materials published and disseminated, either with or without copyright protection, and to take such other action as may be allowable under the copyright authorization agreement or otherwise under law or regulation: *Provided*, That the grantee or contractor shall be given notice of any action proposed to be taken by the USOE and afforded and opportunity to be heard.

SEC. 8 *Definitions.* As used herein:

(a) "Materials" means writings (including reports, scholarly works and curriculum materials), sound recordings, films, pictorial reproductions, drawings, or other graphic representations, computer programs and computer data bases, and works of any other nature developed or specified to be delivered under project grants or contracts financial supported, to any extent by the USOE.

(b) *"Final Materials"* are those the development of which has been completed to the extent intended under the grant or contract.

(c) "Experimental Materials" are those which are being tested and evaluated under a grant or contract.

(d) "Thin Market Materials" are those for which a limited market, and consequentially insubstantial publication revenues, is anticipated.

(e) "Development" is the act or process of writing, creating, generating, testing, evaluating, or revising materials, as distinguished from the act or process of publishing and disseminating the final materials.

(f) "Publication" is used herein in the conventional sense, but includes also all acts of preparing final materials, in any media, for dissemination, and the further acts of disseminating those materials, in any mode.

(g) "Dissemination" includes the acts of stocking, selling, delivering, distributing, and installing materials.

(h) "Producer" means any publishing or disseminating organization other than the U.S. Government.

(i) "Cosponsor" is any person, organization, or Government agency which contributed materially to a project for developing educational materials. A grantee or contractor may be a cosponsor.

(j) "Project" is a unit of work looking toward the development of a distinct set of educational materials. A grant or contract may include one or more projects or a single project may encompass one or more grants or contracts.

(k) "Copyright Program Officer" is the official within the USOE having responsibility for the operation of the USOE Copyright Program under these Guidelines.

SEC. 3 *Authorization to secure copyright protection.* (Sections 3 through 12 concern copyright authorization to facilitate publication of final materials. Section 13 concerns copyright authorization for experimental materials.)

(a) Grantees and contractors are free to exercise their best judgments as to the format and intellectual content of materials being developed under USOE grants and contracts.

(b) Grantees and contractors may publish or have published grant or contract developed materials without copyright, or may seek authorization for publication under copyright, or may elect not to publish.

(c) If the grantee or contractor elects to publish the materials, or to have them published, without copyright, it may do so without the necessity of obtaining approval from the USOE. However, such publication should not be undertaken unless the grantee or contractor believes that educational objectives will be adequately served by that approach. Neither the grantee or contractor, nor any of their employees involved in the devleopment, will publish or have published a copyrighted version within twelve (12) months after the publication date of the uncopyrighted version.

(d) If the grantee or contractor elects to seek authorization for publication under copyright pursuant to the procedures of these Guidelines it should do so at the earliest feasible time, preferably at an early stage in the development cycle.

(e) If the grantee or contractor decides that it is unable or unwilling to publish the materials, or to have them published, it should inform the project officer immediately after such decision is made so that other publication arrangements can be made.

(f) The Commissioner may authorize a grantee or contractor to obtain publication under copyright and to claim the copyright for a specified limited period, generally not to exceed five (5) years, upon a showing that the materials can best be disseminated under copyright. An indication of producer interest in publishing the materials will satisfy the requirement for that showing.

SEC. 4 *Requests for copyright authorization.* (a) Requests for authorization to secure copyright will be addressed to the Commissioner of Education, Attention: Copyright Program Officer, preferably in sufficient time for action before the expiration of the grant or contract.

(b) Each request shall include:

(1) An identification, by number, of the grant or contract involved, the name and address of the USOE project officer, a description of the type or class of materials for which request for authorization to secure copyright is being made, and a copy of the materials, if available.

(2) The rationale whereby the grantee or contractor concluded that the materials should be disseminated under copyright.

(3) A statement on the proposed authorized copyright period and the reasons therefor.

(4) A statement setting forth a proposed "Request for Proposals" which the grantee or contractor intends to use should the request for authorization to secure copyright be approved; a list of prospective producers to be solicited; the best available indication of the size and nature of the estimated market for the materials; and criteria that will be used to select the successful producer, including the proposed publication and dissemination timetable, approximate price to be charged, experience and capability in the field, royalties to be paid, and other appropriate factors. (However, see section 6 below for the treatment of "thin market" materials.)

(5) A statement of any other factors which the grantee or contractor considers to be pertinent to its request.

SEC. 5 *Scholarly and professional journals and periodicals.* In the interest of rapid dissemination of educational information no restriction whatever is placed upon the publication of educational articles in scholarly and professional journals, and in other periodicals.

SEC. 6 *"Thin Market" materials.* Notwithstanding the requirements of section 4 above, the obligation to obtain competition for publication of "thin market" materials will be satisfied by the following procedure:

(a) The grantee or contractor should write to those producers (a minimum of three) which would most likely be interested in publishing the materials. Each should be informed that others are receiving letters. The letter should ask the terms under which the producer would be willing to publish.

(b) The grantee or contractor will furnish copies of the outgoing letters, and of each response, with the copyright authorization request (see section 4), together with a recommendation for selection and the rationale therefor.

(c) The Commissioner will act upon the request in accordance with the provisions of section 8 below.

(d) The Commissioner reserves the right to specify the use of the section 4 procedure if he determines that the materials do not fall within the "thin market" definition.

SEC. 7 *Involvement of producers in development.* (a) Nothing contained in these Guidelines should be interpreted as precluding the involvement of producers in the development of educational materials, provided their involvement is accomplished on a competitive basis so that one producer is not given an undue advantage over other potentially interested producers.

(b) In order to involve producers in the development of educational materials it is contemplated that the "Request for Proposals" specified in subsection 4(b)(4) above will, if desirable, require that the producer perform, in addition to normal publishing and disseminating functions, some additional functions which would normally be identified as development functions. Such functions might include, for example, the printing of experimental materials and their distribution to a specified audience, the design of equipment, the production of films, and similar undertakings.

(c) The advantages seen in involving producers in the development phase are:

(1) Attraction of private investment.

(2) Utilization of unique facilities and expertise.

(3) Guidance in the direction of development toward a viable and salable

product, anticipating unique installation and use problems.

(4) Ease of transition from development phase to publication phase.

SEC. 8. *Decision of the Commissioner.* All requests for authorization to secure copyright will be considered by the Commissioner. The grantee or contractor will be notified of the Commissioner's decision.

(a) Where the request is denied, the grantee or contractor will be advised of the reasons for the denial. In such case, the contractor or grantee may request reconsideration within thirty (30) days after receipt of the Commissioner's decision.

(b) For requests which are approved, an agreement, setting forth the conditions under which the grantee or contractor is authorized to secure publication under copyright, including the conditions set forth in section 9 of these Guidelines, and any other conditions deemed appropriate by the Commissioner, will be sent to the grantee or contractor for signature. The agreement will authorize the grantee or contractor to issue the Request for Proposals to prospective producers, to select a producer, and to prepare a publication and dissemination contract.

(c) After receipt and evaluation of the proposals, the grantee or contractor shall submit the name of the producer selected, and the rationale for selection, to the Office of Education for approval of the selection prior to negotiating final terms of a publication and dissemination contract with the producer selected. The publication and dissemination contract will not be executed until it has been approved by the Commissioner.

(d) A grantee or contractor, which has a dissemination capability in addition to a development capability, may be authorized to disseminate materials it has developed, under copyright, under appropriate conditions, upon a showing that such dissemination would be in the public interest.

SEC. 9 *General conditions.* Authorization to publish under copyright shall be subject to such conditions as the Commissioner may deem appropriate, including, but not limited to, the following:

(a) The copyright will normally be in the name of the grantee or contractor.

(b) Neither the grantee or contractor, nor any of their employees, without prior written approval of the Commissioner, shall publish or have published any revision or adaptation of the copyrighted materials during such period of time as the Commissioner shall determine, but not to exceed the authorized copyright period.

(c) In addition to any attribution clause that may be required by reason of the grant or contract, a legend, in the form designated by the Commissioner, will be applied to the copyrighted work which will provide notice of the time limitation imposed by the copyright authorization agreement.

(d) Within six (6) months after publication of the copyrighted material the copyright claim will be registered in the U.S. Copyright Office by the grantee or contractor or by the producer for the grantee or contractor. The application for registration will state the date after which the copyright may no longer be claimed.

(e) With respect to any materials for which the securing of copyright protection is authorized pursuant to these Guidelines, the U.S. Government shall be granted an irrevocable, nonexclusive, and royalty-free license to publish, translate, reproduce, deliver, perform, use and d'spose of all such materials for U.S. governmental purposes.

(f) In the event the Commissioner finds that the producer has failed to comply with the terms of his publication and dissemination contract with the grantee or contractor, the Commissioner shall have the right to license others to publish the materials covered by the copyright and to take such other action as may be authorized under the publication and dissemination contract: *Provided*, That the grantee or contractor and the producer shall be given writen notice of any action proposed to be taken by the Commissioner and afforded an opportunity to be heard.

(g) If the materials for which copyright is sought are products of a project which is funded jointly with another organization or other organizations or with another Government agency the Commissioner may negotiate with the other organization(s) or agency the terms and conditions by which publication under copyright will be authorized. The purpose of the negotiation will be to reach an accommodation in the event such organization(s) or agency have copyright policies which differ from the Office of Education policy.

SEC. 10 *Royalties.* (a) As a basic proposition it is contemplated that each cosponsor of a project, if there is more than one, is entitled to share in any royalties from published materials resulting from that project in proportion to the financial or equivalent contribution to the project by the cosponsor.

(b) The grantee or contractor shall remit royalties from the sale or rental of the copyrighted materials to the Office of Education for transmittal to the U.S. Treasury. However, the Commissioner may authorize the grantee or contractor to retain a portion of the royalty income to defray administrative expenses to the grantee or contractor resulting from its compliance with the procedures of these Guidelines, and as an incentive to induce the grantee or contractor to develop better materials and to obtain more effective dissemination. The sharing will be accomplished in the following manner: (The grantee or contractor may elect to retain an amount of royalty determined from one of the following two alternative approaches.)

(1) Fifty percent of the net royalty. (Net royalty is defined as that amount remaining after deducting any share or shares due to a cosponsor or cosponsors, other than the U.S. Government or the grantee or contractor, as contemplated in subsection 10(a) above.)

(2) That percentage which corresponds with the financial contribution to the project by the grantee or contractor. (If the grantee or contractor elects this latter alternative the burden of showing such contribution will be upon the grantee or contractor. However, the Commissioner reserves the right to accept or reject such a showing, and to specify the share, not less than 50 percent of the net royalty, to be retained by the grantee or contractor.)

(c) Profit type contractors are not permitted to share in royalties under the provisions of subsection 10(b) above. However, arrangements may be made to allow such contractors to retain royalties to defray administrative expenses, not otherwise recoupable under the contract, incurred in obtaining publication of materials under copyright in accordance with these guidelines.

SEC. 11. *Publication arranged by the Office of Education.* In the event the grantee or contractor is unwilling or unable to undertake the task of obtaining effective dissemination of the materials in accordance with the requirements of section 4 or 6 hereof, and does not publish or have published without copyright, and provided the Commissioner determines that publication under copyright will promote more effective dissemination and use, the Office of Education may undertake the task of arranging for such dissemination. In that event all royalties which are generated will be paid by the publisher to the U.S. Office of Education, and the grantee or contractor will not share in such royalties.

SEC. 12 *Waiver of guidelines requirements.* (a) The Commissioner reserves the right to permit a grantee or contractor to secure and claim statutory full term copyright in materials, subject only to the requirement that the U.S. Government be granted a royalty free, nonexclusive and irrevocable license to publish, translate, reproduce, deliver, perform, use and dispose of all such materials, for U.S. Government purposes, in those situations wherein the financial support by organizations other than the U.S. Government is so great, as compared with the contribution of the U.S. Government, that it would be inequitable to require more than the said license.

(b) The Commissioner reserves the right to waive or modify the application of these Guidelines to any other situation where he determines such waiver or modification is in the public interest.

SEC. 13 *Copyright protection during development.* The Office of Education recognizes that there may be occasions where it will be in the public interest to prevent curriculum and other materials from falling into the public domain prematurely while they are being developed, tested, and evaluated. Grantees and contractors may take necessary steps to protect such materials during development, testing, or evaluation: *Provided*, That they shall not be copyrighted without the express approval of the Commissioner. The Commissioner may approve requests to secure copyright and to claim copyright for a limited period of time

during development, testing, and evaluation, where it can be demonstrated that such protection is necessary for the effective development of the materials. Grantees and contractors may obtain such approval by submitting a written request to the Commissioner of Education, Attention: Copyright Program Officer, setting forth the reasons why copyright is needed.

SEC. 14. *Statement of copyright policy.* It is the policy of the U.S. Office of Education that the results of activities supported by it should be utilized in the manner which will best serve the public interest. This can be accomplished, in some situations, by distribution of materials without copyright. However, it is recognized that copyright protection may be desirable, in other situations, during development or as an incentive to promote effective dissemination of such materials. In the latter situations, arrangements for copyright of such materials, normally for a limited period of time, may be authorized under appropriate conditions upon a showing satisfactory to the Office of Education that such protection will result in more effective development or dissemination of the materials or would otherwise be in the public interest.

(20 U.S.C. 2)

Effective date: These Copyright Guidelines shall take effect 30 days after publication in the FEDERAL REGISTER.

JAMES E. ALLEN, Jr.,
Assistant Secretary for Education and U.S. Commissioner of Education.

MAY 4, 1970.

[F.R. Doc. 70-5701; Filed, May 8, 1970; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DEPUTY UNDER SECRETARY FOR POLICY ANALYSIS AND PROGRAM EVALUATION

Rent Supplement Program; Revocation of Delegation of Authority

The delegation of authority to the Deputy Under Secretary for Policy Analysis and Program Evaluation to determine the definition of income and the maximum amount of income for eligibility of occupants in an area for benefits under the rent supplement program for disadvantaged persons under section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s), published at 34 F.R. 4899, March 6, 1969, is hereby revoked.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This revocation shall be effective on the date of publication in the FEDERAL REGISTER.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 70-5738; Filed, May 8, 1970; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 70-5-14]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority May 5, 1970.

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 the Joint Conferences 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 April 22, 1970, names an additional specific commodity rate, as set forth below, which reflects a significant reduction from the general cargo rates.

R-29:

Commodity Item No. 2865—Carpets and Rugs, 168 cents per kg., minimum weight 300 kgs., Karachi to Los Angeles.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21380, R-29, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-5751; Filed, May 8, 1970; 8:50 a.m.]

[Docket No. 20781 etc.; Order 70-5-15]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority May 5, 1970.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to fare matters, Docket No. 20781, Docket No. 20291, Docket No. 20993, Agreement CAB 21508, Agreement CAB 21694, R-2, Agreement CAB 21714.

By Orders 69-12-124 and 70-4-94, action was deferred, with a view toward eventual approval, on certain agreements adopted by the Traffic Conferences of the International Air Transport Association (IATA). These agreements (1) provided for the rounding off of passenger fares in the currency of the German Democratic Republic, (2) amended pertinent resolutions to reflect an increase in domestic fares applicable on the services of Indian Airlines, and (3) extended through March 31, 1971, the effectiveness of a resolution governing the offering of free and reduced fare or rate transportation by carriers pursuant to government request.

In deferring action on the agreements, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Orders 69-12-124 and 70-4-94 will herein be made final.

Accordingly, it is ordered, That:

Agreements CAB 21508, 21694, R-2, and 21714 be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-5752; Filed, May 8, 1970; 8:50 a.m.]

[Docket No. 22169; Order 70-5-22]

MEDALLION AIR FREIGHT CORP.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of May 1970.

By tariff revision filed March 30 and marked to become effective May 9, 1970, Medallion Air Freight Corp. (Medallion), an air freight forwarder, proposes to increase its excess valuation rate for air freight shipments from 15 cents to 20 cents for each $100 (or fraction thereof) by which the declared value exceeds 50 cents per pound or $50 per shipment, whichever is higher.

The forwarder does not present any justification in support of its proposal.

Upon consideration of all relevant matters, the Board finds that the proposed rate may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Medallion's proposal involves raising its rate by 33⅓ percent, but no basis has been advanced by the forwarder for that increase. The Board suspended, pending investigation, identical proposals filed by Shulman Air Freight and Eagle Air Dispatch, Inc. (Orders 69-5-78, May

19, 1969, and 69–10–155, Oct. 31, 1969).[1] With relatively few exceptions, the air freight forwarders publish excess valuation rates for general domestic traffic amounting to $0.10 or $0.15 per 100 of declared value in excess of $0.50 per pound, or $50 per shipment.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions and charges on behalf of Medallion Air Freight Corp. in Rule No. 80, paragraph (B), appearing on First Revised Page 10 of Miller Traffic Service, Inc., Agent's CAB No. 3, and rules, regulations, and practices affecting such provisions and charges, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and charges, and rules, regulations, or practices affecting such provisions and charges;

2. Pending hearing and decision by the Board, the provisions and charges on behalf of Medallion Air Freight Corp. in Rule No. 80, paragraph (B), appearing on First Revised Page 10 of Miller Traffic Service, Inc., Agent's CAB No. 3, are suspended and their use deferred to and including August 6, 1970, unless otherwise ordered by the Board, and that no charges be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Medallion Air Freight Corp., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–5753; Filed, May 8, 1970; 8:50 a.m.]

[1] Cf., "Increased valuation and c.o.d. charges proposed by Railway Express Agency, Incorporated," 27 C.A.B. 542 (1958). The Board after investigation found REA's proposed increases in excess valuation and c.o.d. charges unjust and unreasonable chiefly on the ground that REA had failed to sustain the burden of coming forward with evidence to show what the increased costs of such services are. In similar actions, the Board suspended, pending investigation, (1) increased excess valuation charges proposed by REA (Order E–13820, May 1, 1959); (2) revision to its liability rule for parcel post shipments proposed in 1965 by WTC (Order E–22846, Nov. 4, 1965); (3) increased excess valuation charges proposed by Bekins Air-van Co. of $1.50 per $100 (Order E–23746, May 27, 1966); (4) increased excess valuation rates for parcel post shipments proposed by WTC Air Freight (Order 69–2–10, Feb. 3, 1969); and (5) increased excess valuation rates by Astro Air Express, Inc., and Comet Air Freight (Order 69–4–26, Apr. 4, 1969).

[Docket No. 22144]

TRANSPORTES AEREOS DEL LITORAL, S. A.

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter, shown in FEDERAL REGISTER, Volume 35, page 7139, as assigned for May 15, 1970, has been reassigned to May 20, 1970, at 10 a.m. e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., May 6, 1970.

[SEAL] THOMAS L WRENN,
Chief Examiner.

[F.R. Doc. 70–5754; Filed, May 8, 1970; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

CONCORDIA 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 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; 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 agreement, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Raymond P. de Member, Esq., Haight, Gardner, Poor & Havens, Federal Bar Building, 1815 H Street NW., Washingtn, D.C. 20006.

Agreement No. 9639–2 amends the Mediterranean/Canada and Great Lakes Agreement, between Concordia Line A/S/Niagara Line, Fabre Line, and Montship Line/Capo Line, (1) to redesignate Niagara Line as Niagara Line A/S, (2) to delete Canadian ports from the scope of the agreement, (3) to eliminate the fixed percentages which designate each party's investment and share in the operation, and (4) to change the basis of the annual pooling report filed with the Federal Maritime Commission to an enumeration of gross freights.

Dated: May 6, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–5739; Filed, May 8, 1970; 8:49 a.m.]

PORT OF SEATTLE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. T. P. McCutchan, Manager, Property Management Department, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T–2323–1 between the Port of Seattle and Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Showa Shipping Co., Ltd.; and Yamashita-Shinnihon Steamship Co., Ltd., amends the basic agreement which provides for the lease of certain terminal property to the Lines. Notice of the basic Agreement No. T–2323 appeared in the FEDERAL REGISTER on August 8, 1969, and evoked comments and/or protests from the Port of Oakland and the Port of

Portland, Oreg.; as a result, Agreement No. T-2323 has not yet been acted upon by the Commission. The purpose of the modification is to (1) remove reference to the State of Oregon in the article concerning discontinuance of operations, and (2) provide for the preferential assignment and use of cranes and straddle equipment at an annual rental of $125,000.

Dated: May 6, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-5740; Filed, May 8, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-1579 etc.]

J. AND B. OIL CO., INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MAY 1, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 17, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1579	J. and B. Oil Co., Inc., 804 Commerce Sq., Charleston, W. Va. 25302.	[3] 2	[4] 1	Equitable Gas Co. (Birch District, Braxton County, W. Va.).	(5)	4-9-70	[6] 5-10-70	[7] 5-11-70	[8] [9] 25.096	[6] [10] [11] 27.1038	
RI70-1580	Husky Oil Co. of Delaware, Post Office Box 380, Cody, Wyo. 82414.	4	5	Mountain Fuel Supply Co. (Salt Wells Field, Sweetwater County, Wyo.).	$158	4-6-70	[12] 4-6-70	[7] 4-7-70	14.0	[12] [13] 14.14	R169-95.
RI70-1581	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.	281	4	Colorado Interstate Gas Co. (Patrick Draw Area, Sweetwater County, Wyo.).	298	4-3-70	[12] 4-3-70	[7] 4-4-70	15.5	[12] [14] 15.7325	R168-548.
RI70-1582	Gulf Oil Corp.	174	4	El Paso Natural Gas Co. (Dry Piney Area, Sublette County, Wyo.).	581	4-3-70	[12] 4-3-70	[7] 4-4-70	16.0	[12] [13] 16.24	R165-599.
	do	57	8	El Paso Natural Gas Co. (Big Piney Field, Sublette County, Wyo.).	2,400	4-3-70	[12] 4-3-70	[7] 4-4-70	16.0	[12] [13] 16.24	R169-599.

[3] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1.
[4] Includes letter agreement with buyer providing for increased rate.
[5] Not stated.
[6] The stated effective date is the first day after expiration of the statutory notice period.
[7] The suspension period is limited to 1 day.
[8] Renegotiated rate increase.
[9] Pressure base is 15.325 p.s.i.a.
[10] Converted from contract temperature base to 62° F. to 60° F.
[11] Pertains to new or reworked wells only.
[12] Tax reimbursement increase.
[13] Pressure base is 15.025 p.s.i.a.
[14] Pressure base is 14.65 p.s.i.a.
[15] The stated effective date is the date of filing pursuant to the Commission's Order No. 390.

J. and B. Oil Co., Inc. (J. and B.), requests that its proposed rate increase be permitted to become effective as of April 14, 1970. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for J. and B.'s rate filing and such request is denied.

The contract related to J. and B.'s rate filing was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rate exceeds the area increased rate ceiling but does not exceed the initial service ceiling for West Virginia. We believe, in this situation, J. and B.'s rate filing should be suspended for 1 day from May 10, 1970, the date of expiration of the statutory notice period.

Husky Oil Company of Delaware (Husky), Gulf Oil Corp. (Operator) et al., and Gulf Oil Corp.'s (both referred to herein as Gulf) proposed rate increases reflect partial reimbursement for the Wyoming severance tax. Husky and Gulf have filed for double the amount of the contractually due tax reimbursement to provide for partial reimbursement of taxes applicable to both past production, back to January 1, 1968, and future production. Since Husky and Gulf's proposed rate filings reflect tax reimbursement we conclude that they should be suspended for 1 day from the date of filing, April 6, 1970 (Husky), and April 3, 1970 (Gulf).

After the amount of tax reimbursement applicable to past production has been recovered, Husky and Gulf shall each file appropriate rate decreases under their rate schedules to reduce the rates proposed herein so as to provide for tax reimbursement for future production only. Husky and Gulf will also be required to refund any reimbursement relating to the Wyoming tax collected in their respective proceeding(s) in the event the tax is for any reason held invalid upon judicial review.

[F.R. Doc. 70-5660; Filed, May 8, 1970; 8:45 a.m.]

[Docket No. RI70-1567 etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 1, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be charged until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 19, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI70-1567	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	45	8	El Paso Natural Gas Co. (Langmat Field, Lea County, N. Mex.) (Permian Basin Area).	$266	4-3-70	[2] 5-4-70	10-4-70	16.5	[3][4] 17.6398	RI70-288.
	do	58	9	El Paso Natural Gas Co. (Jalmat Gas Field, Lea County, N. Mex.) (Permian Basin Area).	28	4-3-70	[2] 5-4-70	10-4-70	16.5	[3][4] 17.6398	RI70-288.
	do	60	11	El Paso Natural Gas Co. (Justis Field, Lea County, N. Mex.) (Permian Basin Area).	335	4-3-70	[2] 5-4-70	10-4-70	16.5	[3][4] 17.6398	RI70-288.
	do	69	11	El Paso Natural Gas Co. (Levelland Plant, Cochran and Hockley Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	1,873	4-6-70	[2] 5-7-70	10-7-70	16.5	[3][4] 19.1181	RI70-288.
	do	72	11	El Paso Natural Gas Co (East Vealmoor Plant, Howard County, Tex.) (RR. District No. 8) (Permian Basin Area).	25,500	4-3-70	[2] 5-4-70	10-4-70	16.5	[3][4] 18.1228	RI70-288.
	do	74	7	El Paso Natural Gas Co. (Denton Plant, Lea County, N. Mex.) (Permian Basin Area).	511	4-6-70	[2] 5-7-70	10-7-70	16.5	[3][4] 19.0035	RI70-288.
	do	77	12	El Paso Natural Gas Co. (Spraberry Field, Midland and Reagan Counties) (RR. District No. 7-C) (Permian Basin Area).	2,366	4-3-70	[2] 5-4-70	10-4-70	16.5	[3][4] 19.2537	RI70-288.
	do	159	6	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	29,945	4-6-70	[2] 5-7-70	10-7-70	16.5	[3][4] 18.0675	RI70-288.
	do	152	3	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	302	4-6-70	[2] 5-7-70	10-7-70	[5] 18.0	[3][4][5] 18.8	RI70-372.
	do	189	3	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	624	4-6-70	[2] 5-7-70	10-7-70	[5] 18.5	[3][4][5] 19.5	
	do	1	8	Lone Star Gas Co. (Velma Plant, Stephens County, Okla.) (Oklahoma "Other" Area).	70,178	4-8-70	[2] 5-9-70	10-9-70	17.5	[3][4] 19.0	RI70-372.
	do	97	3	Natural Gas Pipeline Co. of America (Camrick Southeast Field, Beaver County, Okla.) (Panhandle Area).	552	4-8-70	[2] 5-11-70	10-11-70	[5] 18.0	[3][4][5] 18.8	RI70-368.
	do	146	4	Kansas Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.) (Panhandle Area).	706	4-8-70	[2] 5-9-70	10-9-70	[5] 18.0	[3][4][5] 18.6	RI70-372.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
	....do....	160	3	Panhandle Eastern Pipe Line Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	2,756	4-8-70	[2] 5-9-70	10-9-70	[6] 18.0	[2] [4] [8] 22.0	RI70-372.
	....do....	165	9	Michigan Wisconsin Pipe Line Co. (Cedardale and Northeast Cedardale Fields, Dewey and Major Counties, Okla.) (Oklahoma "Other" Area).	9,137	4-8-70	[2] 5-9-70	10-9-70	[6] 17.0	[2] [4] [8] 22.0	RI70-314.
	....do....	169	5	Transwestern Pipeline Co. (Beaver and Cimarron Counties, Okla.) (Panhandle Area).	2,828	4-8-70	[2] 5-9-70	10-9-70	[2] 18.0	[4] [7] 22.0	RI70-372.
	....do....	198	3	Natural Gas Pipeline Co. of America (Fields Unit, Dewey County, Okla.) (Oklahoma "Other" Area).	1,219	4-8-70	[2] 5-9-70	10-9-70	[2] 17.0	[2] [4] [8] 19.5	RI70-288.
	....do....	150	7	South Texas Natural Gas Gathering Co. (Glen Martin Field, Webb County, Tex.) (RR. District No. 4).	2,679	4-6-70	[2] 5-7-70	10-7-70	17.0	[2] [8] 18.0675	RI70-288.
RI70-1568	Skelley Oil Co. (Operator) et al.	78	19	El Paso Natural Gas Co. (Jalmat and Eumond Fields, Lea County, N. Mex.) (Permian Basin Area).	12,953	4-3-70	[2] 5-4-70	10-4-70	16.5	[2] [8] 17.6398	RI70-289.
	....do....	233	16	El Paso Natural Gas Co. (East Vealmoor Plant, Howard County, Tex.) (RR. District No. 8) (Permian Basin Area).	118,825	4-3-70	[2] 5-4-70	10-4-70	16.5	[2] [8] 18.1228	RI70-289.
RI70-1569	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	628	2	Transwestern Pipeline Co. (Barstow Field, Ward County, Tex.) (RR. District No. 8) (Permian Basin Area).	6,693	4-6-70	[2] 5-7-70	10-7-70	[9] 15.77	[4] [9] 19.08313	
RI70-1570	A. A. Cameron, d.b.a. Cameron Oil Co., 1100 Kermac Bldg., Oklahoma City, Okla. 73102.	3	[11] 6	Arkansas Louisiana Gas Co. (West Marlow Field, Grady and Comanche Counties, Okla.) (Oklahoma "Other" Area).	30,000	4-8-70	[10] 5-8-70	8-1-70	[3] 16.0	[4] [11] 19.0	R167-80.
RI70-1571	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	330	9	Michigan Wisconsin Pipe Line Co. (Laverne Gas Area, Harper County, Okla.) (Panhandle Area).	30	4-7-70	[2] 5-8-70	10-8-70	[12] 19.5	[4] [13] [20] 20.01556	RI69-349.
RI70-1572	Barbara Oil Co. (Operator) et al., Suite 4650, One First National Plaza, Chicago, Ill. 60670.	3	5	Cities Service Gas Co. (Hardtner Field, Barber County, Kans.).	627	4-6-70	[2] 5-23-70	10-23-70	[3] 14.0	[2] [4] [8] 15.0	RI65-603.
RI70-1573	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	286	4	Northern Natural Gas Co. (Clementine Upper Morrow Field, Hansford County, Tex.) (RR. District No. 10).	19,070	4-3-70	[10] 5-4-70	10-4-70	[3] 17.0638	[2] [4] [8] 18.0675	RI70-1160.
	....do....	328	12	Iroquois Gas Corp. (Sheridan Field, Colorado County, Tex.) (RR. District No. 3).	2,199 11,309	4-6-70	[2] 5-7-70	10-7-70	[14] 16.2136 [15] 17.2270	[4] [13] [14] 20.7737 [4] [13] [15] 20.7737	
RI70-1574	Sun Oil Co. Post Office Box 2880, Dallas, Tex. 75221.	467	4	Natural Gas Pipeline Co. of America (Rigg Unit, Dewey County, Okla.) (Oklahoma "Other" Area).	575	4-7-70	[2] 6-16-70	11-16-70	[2] 17.015	[2] [4] [8] 19.515	RI68-120.
	....do....	472	3	United Gas Pipe Line Co. (Gom 904 Field, State Track 773-L, Nueces County Tex.) (RR. District No. 4).	7,026	4-9-70	[2] 5-10-70	10-10-70	16.00	[8] [16] 17.06375	RI70-803.
RI70-1575	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, Kans. 67202.	20	9	Michigan Wisconsin Pipe Line Co. (Mocane Laverne Field, Beaver County, Okla.) (Panhandle Area).	10,060 377 880 802	4-9-70	[2] 5-10-70	10-10-70	[8] [17] 20.940 [8] [17] 20.780 [8] [18] 21.000 [8] [18] 18.330	[3] [4] [8] [13] [16] 23.455 [3] [4] [8] [16] [17] 23.295 [3] [4] [8] [16] [18] 23.515 [3] [4] [8] [16] [19] 23.345	RI66-187. RI66-187. RI66-187.
	....do....	48	4	Michigan Wisconsin Pipe Line Co. (Mocane Laverne Field Beaver County, Okla.) (Panhandle Area).	351	4-9-70	[2] 5-10-70	10-10-70	[8] [20] 18.330	[3] [4] [8] [16] [20] 23.345	
RI70-1576	TransOcean Oil, Inc. et al., Houston Natural Gas Bldg., Houston, Tex. 77002.	5 5	[21] 11 12	United Gas Pipe Line Co. (Red Fish Bay Field, Nueces County Tex.) (RR. District No. 4).	....	4-3-70 4-3-70	[10] 5-4-70 [10] 5-4-70	Accepted 10-4-70	14.8548	[22] 16.06	RI60-383.
RI70-1577	The California Co., a division of Chevron Oil Co. (Operator) et al., 1111 Tulane Ave., New Orleans, La. 70112.	18	11	Southern Natural Gas Co. (Hub Field, Marion County, Miss.).	131,546	4-6-70	[2] 5-7-70	10-7-70	20.6	[9] 24.0	
	....do....	30	4	Southern Natural Gas Co. (Knoxo Field, Marion and Walthall Counties, Miss.)	26,061	4-6-70	[2] 5-7-70	10-7-70	20.6	[9] 24.0	
RI70-1578	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221.	37	4	Valley Gas Transmission Co. (McNeil Field, Live Oak County, Tex.) (RR. District No. 2).	266	4-8-70	[10] 5-9-70	10-9-70	14.53	[2] [4] 15.05625	RI70-444.

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] Subject to upward and downward B.t.u. adjustment.
[6] "Fractured" rate increase.
[7] Increase to contract rate.
[8] Initial rate.
[9] The stated effective date is the first day after expiration of the statutory notice.
[10] Favored-nation rate increase.
[11] Contains letter from buyer providing for favored-nation increase.
[12] Subject to upward B.t.u. adjustment. Includes 1.5-cent upward B.t.u. adjustment.
[13] Increase from initial certificated rate to initial contract rate.
[14] For Oklahoma State I Unit. Rate includes 1.440-cent upward B.t.u. adjustment.
[15] Includes 0.015-cent upward B.t.u. adjustment.
[16] For Botkin Unit. Rate includes 1.286-cent upward B.t.u. adjustment.
[17] For Maphet Unit. Rate includes 1.500-cent upward B.t.u. adjustment.
[18] For Lowrey Trust Unit. Rate includes 1.330-cent upward B.t.u. adjustment.
[19] Includes 1.330-cent upward B.t.u. adjustment.
[20] Contract agreement. Provides for, among other things, a renegotiated rate of 16 cents for the period from Jan. 1, 1968, to Aug. 1, 1972, and provides 1-cent increases for each of the next (3) 5-year periods. Extends the term of contract to Aug. 1, 1987, and provides for additional delivery point(s).
[21] Renegotiated rate increase.
[22] Respondent is filing a two-step periodic increase up to contract rate.
[23] Applicable to gas from reservoirs discovered before Sept. 28, 1960.
[24] Applicable to gas well gas from reservoirs discovered after Sept. 21, 1960.

Gulf Oil Corp. (Gulf) requests that its proposed rate increase (Supplement No. 4 to Gulf's FPC Gas Rate Schedule No. 286) be permitted to become effective as of May 1, 1970. TransOcean Oil, Inc., et al., request waiver of the statutory notice to permit an April 3, 1970, effective date for their proposed rate increase. American Petrofina Company of Texas request that its proposed rate increase be permitted to become effective as of May 5, 1970. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

A. A. Cameron doing business as Cameron Oil Co. (Cameron) proposes a favored-nation rate increase to Arkansas Louisiana Gas Co. in the Oklahoma "Other" Area. Cameron requests waiver of the notice requirement and a retroactive effective date of March 1, 1970, the contractually due date. In support of such request, Cameron states that it was not notified by the buyer of its entitlement to the proposed rate until March 20, 1970, 20 days after such rate became contractually due. The rate schedule involved covers three separate contracts and the instant filing includes two letters from the buyer, dated February 27, 1970, and one letter dated March 19, 1970, advising Cameron of its right to the "favored-nation" increase under each of the respective contracts involved. Inasmuch as Cameron was unable to make a timely filing due to the buyer's failure to give adequate notice prior to the contractual due date of the instant increase, we conclude that Cameron's proposed rate increase should be suspended from the date of expiration of the statutory notice until August 1, 1970, which would have been the expiration date of a 5 month suspension from March 1, 1970, the contractual effective date, if Cameron had been able to make a timely filing.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[F.R. Doc. 70-5661; Filed, May 8, 1970; 8:45 a.m.]

[Docket No. RI70-1562 etc.]

PAN AMERICAN PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MAY 1, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Ch. I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 19, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1562..	Pan American Petroleum Corp. (Operator) et al., Security Life Bldg., Denver, Colo. 80202.	195	[3] 25	El Paso Natural Gas Co. (Pictured Cliffs et al., Sandoval County, N. Mex.) (San Juan Basin Area).	$447	4-6-70	[4] 5-7-70	[5] 5-8-70	13.0	[6] [7] 13.2486	
	....do....	482	4	Colorado Interstate Gas Co. (Mocane Gas Area, Beaver County, Okla.) (Panhandle Area).	22	4-7-70	[5] 5-8-70	[5] 5-9-70	[8] [9] 19.21	[4] [8] [9] 19.22556	
	....do....	246	13	Panhandle Eastern Pipe Line Co. (South Forgan and Mocane Fields, Beaver County, Okla.) (Panhandle Area).	15	4-7-70	[5] 5-8-70	[5] 5-9-70	18.0	[5] [10] 18.01556	RI69-350.
RI70-1563..	Pan American Petroleum Corp. Post Office Box 1410, Fort Worth, Tex. 76101.	446	1	Natural Gas Pipeline Co. of America (North Fort Supply Field, Harper County, Okla.) (Panhandle Area).	7	4-7-70	[5] 5-8-70	[5] 5-9-70	[8] [9] 18.7	[4] [8] [9] [10] 18.71556	
	....do....	447	[11] 3	Northern Natural Gas Co. (Various Fields, Beaver County, Okla.) (Panhandle Area).	26	4-7-70	[5] 5-8-70	[5] 5-9-70	[8] [9] 18.7	[5] [8] [9] [10] 18.71556	
	....do....	323	4	Northern Natural Gas Co. (Northeast Gate Lake Field, Harper County, Okla.) (Panhandle Area).	19	4-7-70	[5] 5-8-70	[5] 5-9-70	[9] 18.0	[5] [9] [10] 18.01556	RI69-349.
	....do....	324	5	Northern Natural Gas Co. (Six Mile Field, Beaver County, Okla.) (Panhandle Area).	12	4-7-70	[5] 5-8-70	[5] 5-9-70	[9] 18.0	[5] [9] [10] 18.01556	RI69-349.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect Subject to refund in dockets Nos.
	....do....	355	[20] 1	Northern Natural Gas Co. (Various Fields, Beaver County, Okla.) (Panhandle Area).	54	4-7-70	[1] 5-8-70	[1] 5-9-70	[21] 18.0	[4] [10] [11] 18.01556	R169-502.
	....do....	365	4	Panhandle Eastern Pipe Line Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	32	4-7-70	[1] 5-8-70	[1] 5-9-70	[21] 18.0	[4] [10] [11] 18.01025	R169-493.
	....do....	420	2	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Panhandle Area).	5	4-7-70	[1] 5-8-70	[1] 5-9-70	[14] 17.0	[4] [10] [11] 17.01556	
RI70-1564	Texaco, Inc., Post Office Box 3109, Midland Tex. 79701.	219	4	Phillips Petroleum Co.[22] (Texas Hugoton Field, Sherman County, Tex.) (RR. District No. 10).	451	4-6-70	[4] 7-1-70	[1] 7-2-70	[23] 9.0225	[10] [23] [24] 10.025	R165-648.
RI70-1565	Occidental Petroleum Corp., Post Office Box 51440 O.C.S., Lafayette, La. 70501.	18	1	Sea Robin Pipeline Co. (Block 222, Ship Shoal Area, Offshore, Louisiana).	38,475	4-3-70	[25] 5-4-70	[1] 5-5-70	[27] [28] [29] 18.5	[1] [26] [27] 20.0	
RI70-1566	Gulf Oil Co., Post Office Box 1589, Tulsa, Okla. 74102.	328	11	Iroquois Gas Corp. (Sheridan Field, Colorado County, Tex.) (RR. District No. 3).	141	4-3-70	[30] 4-3-70	[4] 4-4-70	[31] 16.0	[4] [10] [31] 16.2136
					670				[32] 17.0	[4] [10] [32] 17.2270	

[1] Applicable to production from acreage added by Supplement No. 24 only.
[4] The stated effective date is the effective date requested by Respondent.
[5] The suspension period is limited to 1 day.
[6] Tax reimbursement increase.
[7] Pressure base is 15.025 p.s.i.a.
[9] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[8] The stated effective date is the first day after expiration of the statutory notice.
[10] Pressure base is 14.65 p.s.i.a.
[11] Subject to upward and downward B.t.u. adjustment.
[12] Includes 2.21-cent upward B.t.u. adjustment.
[13] Includes 1.7-cent upward B.t.u. adjustment.
[14] Applicable only to Oklahoma production.
[15] Subject to a downward B.t.u. adjustment.
[16] "Fractured" rate increase.
[17] Subject to upward B.t.u. adjustment. Includes 1.5-cent upward B.t.u. adjustment.
[19] Applicable only to Oklahoma production.
[19] Footnote 19 not used.
[20] Footnote 20 not used.
[21] Footnote 21 not used.
[22] Phillips resells the gas to Michigan Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 at a rate of 16.22 cents plus applicable tax reimbursement which is in effect subject to refund.
[23] Periodic rate increase.
[24] Subject to a deduction of 0.4466 cent for sour gas.
[25] The stated effective date is the first day after expiration of the statutory notice, or the date of initial delivery, whichever is later.
[26] Rate increase filed pursuant to paragraph (A) of Opinion No. 546-A.
[27] Subject to quality adjustments.
[28] Area base rate as established in Opinion No. 546 for third vintage gas well gas (Federal Domain).
[29] Conditioned initial rate for gas well gas pursuant to temporary certificate issued Jan. 27, 1970, in Docket No. C170-564.
[30] The stated effective date is the date of filing pursuant to Commission's Order No. 390.
[31] Applicable to gas from reservoirs discovered before Sept. 28, 1960.
[32] Applicable to gas well gas from reservoirs discovered after Sept. 28, 1960.

Pan American Petroleum Corp.'s (Operator) *et al.* (Pan American), proposed tax reimbursement increase (Supplement No. 25 to Pan American's FPC Gas Rate Schedule No. 195) exceeds the applicable area ceiling by the amount of such tax reimbursement. Consistent with prior Commission action taken on similar increases, we believe Pan American's proposed rate increase should be suspended for 1 day from May 7, 1970, the proposed effective date. Further, the proposed increase reflects partial reimbursement for the full 2.55-percent New Mexico Emergency School Tax which the buyer, El Paso Natural Gas Co. (El Paso) in accordance with its policy of protesting all filings reflecting tax reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, the hearing provided for herein for Pan American's aforementioned rate filing shall concern itself with the contractual basis for the rate filing, as well as the statutory lawfulness of the proposed increased rate and charge.[33]

Texaco, Inc. (Texaco), proposes a periodic rate increase, from 9.0225 cents to 10.025 cents per Mcf, for a wellhead sale of gas to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10. Phillips gathers and processes the gas and resells the residue gas under its FPC Gas Rate Schedule No. 4 to Michigan Wisconsin Pipe Line Co. at a rate of 16.22 cents, plus applicable tax reimbursement, which is effective subject to refund. Although Texaco's proposed rate does not exceed the applicable area ceiling rate for Texas Railroad District No. 10, it is suspended for 1 day from July 1, 1970, the proposed effective date, because the buyer's, Phillips, resale rate is in effect subject to refund.

Nine of the proposed rate increases herein reflect reimbursement for the Oklahoma excise tax which became effective on July 1, 1967. Consistent with previous Commission action taken on Oklahoma tax filings, we conclude that the producers' increases containing such tax reimbursement should be suspended for 1 day upon expiration of the statutory notice period.

Gulf Oil Corp.'s (Gulf) proposed increases reflect partial reimbursement for the increase from 7.0 percent to 7.5 percent in the Texas production tax. Gulf's proposed rates exceed the increased rate ceiling for Texas Railroad District No. 3 as set forth in the Commission's statement of general policy No. 61-1, as amended, and should be suspended for 1 day from the date of filing, pursuant to the Commission's Order No. 390, issued October 10, 1969.

The proposed increase filed by Occidental Petroleum Corp. (Occidental) from 18.5 cents to 20 cents involves a sale of third vintage gas well gas from Offshore Louisiana (Federal Domain), and was filed pursuant to Commission Order issued March 20, 1969, in Opinion No. 546-A. Occidental requests waiver of the statutory notice to permit the proposed increase to become effective as of the date of first production. Consistent with prior Commission action on similar increases, we conclude that Occidental's proposed increase should be suspended for 1 day from May 4, 1970, the expiration date of the statutory notice, or for 1 day from the date of initial delivery, whichever is later.

[33] The Commission may not be required to decide this contract issue in view of pending court litigation. See order issued Mar. 24, 1969, in Pan American Petroleum Corporation, Docket No. RI69-244.

[F.R. Doc. 70-5658; Filed, May 8, 1970; 8:45 a.m.]

[Docket No. RI70-1559 etc.]

PENNZOIL PRODUCING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 29, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (a) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held

[1] Does not consolidate for hearing or dispose of the several matters herein.

concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 15, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1559..	Pennzoil Producing Co.[1]	215	[9] [10] [11] 15	United Gas Pipe Line Co. (Lirette Field, Terrebonne Parish, La.) (South Louisiana Area).	[4] $30,000	4-1-70	[5] 11-1-69	[5] 11-2-69	18.5	[7] [8] 20.0	RI69-406.
	do[1]	228	[9] [10] [11] 11	United Gas Pipe Line Co. (De-Large Field, Terrebonne Parish, La.) (South Louisiana Area).	[4] 10,081	4-1-70	[5] 11-1-69	[5] 11-2-69	18.6234	[7] [8] 19.5	RI69-406.
	do[1]	216	[9] [10] [12] 13	United Gas Pipe Line Co. (Bay Baptiste Field, Terrebonne Parish, La.) (South Louisiana Area).	[4] 7,000	4-1-70	[5] 11-1-69	[5] 11-2-69	18.5	[7] [8] 19.5	RI69-406.
	do[1]	239	[9] [10] [13] 17	United Gas Pipe Line Co. (Hollywood Field, Terrebonne Parish, La.) (South Louisiana Area).	[4] 3,650	4-1-70	[5] 11-1-69	[5] 11-2-69	[14] 18.5	[7] [8] 19.5	
RI70-1560..	Pennzoil Producing Co. (Operator) et al.	218	[9] [10] [15] 13	United Gas Pipe Line Co. (Bourg Field, Terrebonne Parish, La.) (South Louisiana Area).	[4] 16,800	4-1-70	[5] 11-1-69	[5] 11-2-69	18.5	[7] [8] 19.5	RI69-407.
RI70-1561..	American Petrofina Co. of Texas.	27	[9] [16] 4	South Texas Natural Gas Gathering Co. (Cano-Mexico Field, Hidalgo County, Tex.) (RR. District No. 4).	90	4-1-70	[17] 4-1-70	[5] 4-2-70	16.0	[18] [19] 16.06	

[1] Both buyer and seller are wholly owned subsidiaries of Pennzoil United, Inc.
[4] Based on current filing.
[5] The stated effective date is provided by Opinion No. 567.
[6] The suspension period is limited to 1 day.
[7] Rate increase filed pursuant to Opinion No. 567.
[8] Pressure base is 15.025 p.s.i.a.
[9] Includes documents establishing newly discovered reservoirs which entitles respondent to higher ceiling rates in accordance with Opinion No. 567.
[10] Applies only to gas well gas sales from the newly discovered reservoirs.
[11] Applies only to the 9,400' and 8,200' reservoirs.
[12] Applies only to the 12,300' and 12,500' reservoirs.
[13] Applies only to the 9,500' to 9,000' reservoirs.
[14] Applies only to the Upper Krumbharr Reservoir.
[15] Settlement rate.
[16] Applies only to the P and Q Reservoirs.
[17] The stated effective date is the date of filing pursuant to Commission's Order No. 390.
[18] Tax reimbursement increase.
[19] Pressure base is 14.65 p.s.i.a.

Pennzoil Producing Co. and Pennzoil Producing Co. (Operator) et al. (both referred to herein as Pennzoil), proposed rate increases were submitted as a result of Opinion No. 567 which provides that gas well gas produced from newly discovered reservoirs should have a price coincident with the discovery of such reservoirs. Documents in support of the subject increases, as required by Opinion No. 567, were also submitted. The proposed rates do not exceed the applicable ceilings permitted under Opinion No. 567 but consistent with the Commission's policy of suspending for 1 day increases to affiliates, we conclude that Pennzoil's proposed rate increases should be suspended for 1 day from November 1, 1969.

American Petrofina Company of Texas (Petrofina) is filing a tax reimbursement increase, from 16 cents to 16.06 cents, to reflect the recent increase in Texas production tax from 7.0 percent to 7.5 percent. Petrofina's proposed rate exceeds the increased rate ceiling for Texas Railroad District No. 4 as set forth in the Commission's statement of general policy No. 61-1, as amended, and should be suspended for 1 day from the date of filing, pursuant to the Commission's Order No. 390, issued October 10, 1969.

[F.R. Doc. 70-5659; Filed, May 8, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2537]

FIRST MULTIFUND OF AMERICA, INC. AND FIRST MULTIFUND ADVISORY CORP.

Notice and Order for Hearing on Application for Declaratory Order

MAY 5, 1970.

Notice is hereby given that First Multifund of America, Inc. ("Fund"), 60 East 42d Street, New York, N.Y. 10017, registered as an open-end diversified investment company under the Investment Company Act of 1940 ("Act"), and First Multifund Advisory Corp. (Adviser), the Fund's investment adviser (collectively hereinafter referred to as Applicants), have filed an application for an order pursuant to section 554(e) of the Administrative Procedure Act of 1966 ("APA"). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Fund invests solely in shares of other open-end investment companies. Purchases of such shares for the Fund are made by the adviser, a member of the National Association of Security Dealers ("NASD"). In this capacity, applicants allege that the adviser acts as broker for the Fund. In purchasing securities of other open-end investment companies for the Fund, the adviser has guaranteed that the Fund will never pay a sales charge in excess of 3½ percent. According to the application, the concessions which the adviser receives from the

underwriters of the shares of the other open-end investment companies purchased for the Fund are in accord with the rules of the NASD.

Applicants seek an order of the Commission, pursuant to section 554(e) of the Administrative Procedure Act of 1966, declaring that:

It is lawful, in accordance with Article III, section 26 of the Rules of Fair Practice of the National Association of Security Dealers, Inc. ("NASD") for members of the NASD who are underwriters of the shares of mutual funds, to grant concessions to members of the NASD who act as brokers for purchasers of such shares not excluding brokers who are affiliated persons of such purchasers.

Notice is further given that the Division of Corporate Regulation alleges that the action of adviser in acquiring shares of other open-end investment companies for the Fund constitutes either (1) a sale by adviser, as principal, of the shares of the other open-end investment companies, which sale is proscribed by section 17(a)(1) of the Act unless exempted therefrom pursuant to section 6(c) or upon approval of the Commission pursuant to section 17(b) of the Act; or (2) a purchase by adviser, as agent for Fund, and not in the course of adviser's business as an underwriter or broker, of shares of the other open-end investment companies, thereby precluding the acceptance by adviser, pursuant to section 17(e)(1) of the Act, of any concessions from the principal underwriters of the other open-end companies unless exempted from such prohibition pursuant to section 6(c) of the Act.

The Division of Corporate Regulation further alleges that the guarantee by adviser that Fund will never pay more than a 3½ percent sales charge for shares of other open-end investment companies results, or may result, in the acquisition by Fund of securities of the other open-end investment companies at a price other than the public offering price of such securities and is thereby prohibited by the provisions of section 22(d) of the Act (not exempted by any provision of Rule 22d-1 promulgated under the Act) unless exempted therefrom pursuant to section 6(c) of the Act.

Section 554(e) of the APA states that "The agency, with like effect as in the case of other orders, and in its sound discretion may issue a declaratory order to terminate a controversy or remove uncertainty."

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing to be held with respect to the said application.

It is ordered, Pursuant to section 554 (e) of the APA and section 40(a) of the Act, that a hearing on the aforesaid application be held on the 27th day of May at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than applicants, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 25th day of May 1970, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address noted above and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under the APA, sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof, and on the basis of the allegations of the Division of Corporate Regulation, the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination:

(1) Whether the Commission has the power to issue the declaratory order requested by applicants;

(2) Whether, if the Commission has the power to issue a declaratory order, it should exercise its discretion to issue such order in the present instance;

(3) Whether the conduct of the adviser, in placing orders and proposing to place orders for the purchase of shares of other open-end investment companies for the Fund and in retaining and proposing to retain the concessions it receives from the underwriters of those shares, is lawful in accordance with Article III, section 26 of the Rules of Fair Practice of the NASD;

(4) Whether the adviser, in placing orders and proposing to place orders for the purchase of shares of other open-end investment companies for the Fund, has acted and would act in the course of its business as a broker or as a dealer, and, if not, in what other capacity;

(5) Whether the transactions whereby the adviser places orders and proposes to place orders for the purchase of shares of other open-end investment companies for the Fund are precluded by section 17 (a) of the Act unless exempted therefrom pursuant to sections 6(c) or 17(b) of the Act; and whether exemption for such proposed purchases is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act; and whether (a) the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (b) the proposed transactions are consistent with the policy of the Fund, as recited in its registration statement and reports filed under the Act; and (c) the proposed transactions are consistent with the general purposes of the Act;

(6) Whether the transactions whereby the adviser places orders and proposes to place orders for the purchase of shares of other open-end investment companies for the Fund, and retains and proposes to retain the concessions it receives from the underwriters of those shares, are precluded by section 17(e)(1) of the Act unless exempted therefrom pursuant to section 6(c) of the Act; and whether an exemption for such proposed transactions would be necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act;

(7) Whether the transactions whereby the adviser places orders and proposes to place orders for the purchase of shares of other open-end investment companies for the Fund are prohibited by section 22(d) of the Act; and, if so, whether, pursuant to section 6(c) thereof, such transactions should be exempted to the extent necessary to permit the concessions received by the adviser to be remitted to the Fund in reduction of the sales loads paid by the Fund for the shares of its portfolio investment companies.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the applicants and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-5705; Filed, May 8, 1970; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 763]

TENNESSEE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1970, because of the effects of certain disasters, damage resulted to residences and business property located in Shelby County, Tenn.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado occurring on April 24, 1970.

OFFICE

Small Business Administration Regional Office, 500 Union Street, Nashville, Tenn. 37219.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1970.

Dated: April 30, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-5726; Filed, May 8, 1970; 8:48 a.m.]

[Declaration of Disaster Loan Area 764]

OKLAHOMA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April, 1970, because of the effects of certain disasters, damage resulted to residences and business property located in Oklahoma County, Okla.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from tornado occurring on April 30, 1970.

OFFICE

Small Business Administration District Office, 30 North Hudson, Oklahoma City, Okla. 73102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1970.

Dated: May 1, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-5703; Filed, May 8, 1970; 8:46 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—MAY

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 May.

3 CFR

PROCLAMATIONS:
3982 — 6999
3983 — 7105
3984 — 7169

EXECUTIVE ORDERS:
July 2, 1910 (revoked in part by PLO 4814) — 7255
March 28, 1924 (revoked by PLO 4812) — 7254
April 17, 1926 (revoked in part by PLO 4813) — 7255

5 CFR

213 — 6957, 7123, 7124, 7171, 7283
550 — 7171

7 CFR

51 — 6957, 7249
53 — 7064
301 — 7001, 7002
775 — 6958
798 — 7172
877 — 7064
907 — 7172
908 — 7173
910 — 7003, 7283
917 — 7064
959 — 7065
966 — 7003
1041 — 7173
1097 — 7283
1102 — 7283
1108 — 7283
1201 — 7066

PROPOSED RULES:
725 — 7075
Ch. IX — 7077
914 — 7183
1005 — 6965
1006 — 7023
1012 — 7023
1013 — 7023
1032 — 7082
1033 — 6965
1034 — 6965
1035 — 6965
1041 — 6965
1050 — 7082

8 CFR

100 — 7249
103 — 7284
204 — 7284
205 — 7285
238 — 7285

PROPOSED RULES:
103 — 7018
214 — 7018

9 CFR

71 — 7249
76 — 6958, 7004, 7066, 7107, 7175, 7285

10 CFR

1 — 7285

12 CFR

207 — 6959
220 — 7249
221 — 6959, 7250
608 — 7005

PROPOSED RULES:
545 — 7130
563 — 7131

14 CFR

21 — 7292
25 — 7108
29 — 7293
37 — 6914
39 — 6916, 6917, 7006, 7051, 7293, 7294
61 — 7007
71 — 6917, 7051, 7108, 7109, 7175–7177, 7237, 7294
73 — 6917, 7051, 7295
75 — 7051, 7109
91 — 7108, 7293
97 — 6918, 7052, 7237
121 — 7108, 7293
127 — 7293
202 — 7109
203 — 7110
205 — 7110
207 — 7295
208 — 7295
212 — 7297
214 — 7298
221 — 7298
287 — 7110
295 — 7298
302 — 7111
376 — 7111

PROPOSED RULES:
39 — 6967, 7185
71 — 6968, 6969, 7186, 7303–7305
73 — 6969
75 — 7020, 7305
91 — 7020
121 — 7021, 7083
127 — 7083

15 CFR

1000 — 7220, 7228

PROPOSED RULES:
1000 — 7183

16 CFR

13 — 7007–7009, 7298

PROPOSED RULES:
90 — 6969

17 CFR

249 — 7068

PROPOSED RULES:
270 — 7132

18 CFR

250 — 7010
260 — 6960

PROPOSED RULES:
157 — 7262
201 — 7262
204 — 7262
260 — 7262

19 CFR

4 — 7299

21 CFR

2 — 7068, 7299
53 — 7178
120 — 7178, 7179, 7300
121 — 7068, 7180
130 — 7250
135b — 7253
135c — 7181
135e — 7300
135g — 7181, 7300
146 — 7250
320 — 7069

PROPOSED RULES:
191 — 7303

24 CFR

1914 — 7012
1915 — 7013

26 CFR

13 — 7011, 7300
31 — 7070
143 — 6962
601 — 7111

PROPOSED RULES:
31 — 7125

28 CFR

9 — 7013

29 CFR

8 — 7016
670 — 6963
678 — 6963

30 CFR

301 — 7181, 7182

31 CFR

500 — 6963

32 CFR

518 — 7253

32A CFR

PROPOSED RULES:
Ch. X — 7305

33 CFR

117 — 7182

PROPOSED RULES:
110 — 7019
401 — 7189

39 CFR

PROPOSED RULES:
135 — 7018

41 CFR

1–16 — 7070
5A–1 — 7254
101–26 — 7182, 7301

42 CFR

43 CFR

43 CFR—Continued

45 CFR

47 CFR

49 CFR

50 CFR

FEDERAL REGISTER

VOLUME 35 • NUMBER 91

Saturday, May 9, 1970 • Washington, D.C.

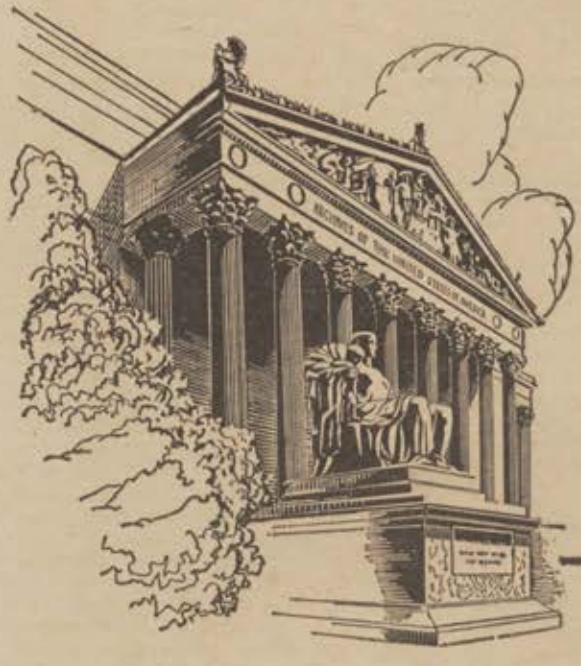
PART II

Department of Health, Education, and Welfare

Office of Education

•

State Vocational Education Programs



Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 102—STATE VOCATIONAL EDUCATION PROGRAMS

The regulations in Part 102 are applicable to programs of vocational education administered by State Boards for Vocational Education under the Vocational Education Act of 1963, as amended by Title I of the Vocational Education Amendments of 1968. These regulations are being revised to include provisions applicable to programs of vocational education for the disadvantaged supported with funds under section 102(b) and work-study programs for vocational education students under part H of the Act. As revised, Part 102 reads as follows:

Subpart A—General

Subpart B—State Advisory Council

Subpart C—State Plan Provisions

GENERAL

STATE VOCATIONAL EDUCATION PROGRAMS

VOCATIONAL EDUCATION PROGRAMS FOR THE DISADVANTAGED

VOCATIONAL EDUCATION RESEARCH AND PERSONNEL TRAINING

EXEMPLARY PROGRAMS AND PROJECTS

CONSUMER AND HOMEMAKING EDUCATION

COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

WORK-STUDY PROGRAMS FOR VOCATIONAL EDUCATION STUDENTS

Subpart D—Federal Financial Participation

GENERAL

Subpart E—Payments and Reports

AUTHORITY: The provisions of this Part 102 issued under 82 Stat. 1064–1091, 20 U.S.C. 1241 to 1391.

Subpart A—General

§ 102.1 Purpose and scope.

(a) *Purpose.* The purpose of the regulations in this part is to implement the provisions of the Vocational Education Act of 1963, as amended, which provides for Federal grants to States to assist them to maintain, extend, and improve existing programs of vocational education, to develop new programs of vocational education, and to provide part-time employment for youths who need the earnings from such employment to continue their vocational training on a full-time basis, so that persons of all ages in all communities of the State—those in high school, those who have completed or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market but need to upgrade their skills or learn new ones, those with special educational handicaps, and those in postsecondary schools—will have ready access to vocational training or retraining which is of high quality, which is realistic in the light of actual or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.

(b) *Scope.* The scope of the regulations in this part covers allotments to States for vocational education programs under part B; research, training, experimental, developmental, and pilot programs, and dissemination activities under section 131(b) of part C; exemplary programs and projects under section 142(d) of part D; consumer and homemaking education programs under part F; cooperative vocational education programs under part G; and work-study programs for vocational education students under part H of said Act.

(c) *Other regulations.* The regulations in Part 103 are applicable to grants and contracts by the Commissioner for research, training, and related programs in vocational education pursuant to section 131(a) of part C, exemplary programs and projects in vocational education pursuant to section 142(c) of part D, and curriculum development in vocational and technical education pursuant to part I, of the Act.

§ 102.2 Applicability of civil rights regulation.

Federal financial assistance under this part is subject to the requirements of title VI of the Civil Rights Act of 1964, approved July 2, 1964 (Public Law 88–352, 78 Stat. 252, 42 U.S.C. 2000d et seq.). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore, Federal financial assistance pursuant to this part is subject to the regulation in Part 80 of this title.

§ 102.3 Definitions.

(a) "Act" means the Vocational Education Act of 1963, as amended, 20 U.S.C. 1241–1391.

(b) "Adult vocational education" means vocational education which is designed to provide training or retraining to insure stability or advancement in employment of persons who have already entered the labor market and who are either employed or seeking employment.

(c) "Ancillary services and activities" means services and activities necessary to assure quality in vocational education and consumer and homemaking education programs provided for under the Act, the regulations in this part, and the State plan. Such services and activities may include the following:

(1) State administration and leadership as provided for in the State plan pursuant to § 102.35;

(2) Administration and supervision of instructional programs at the local level, including vocational education programs, as provided for in § 102.4(g);

(3) Evaluation of programs under the State plan, as provided for in § 102.36;

(4) Training of teachers and other program personnel as provided for in §§ 102.9 and 102.38(b);

(5) Special demonstration and experimental programs;

(6) Development of curricula and instructional materials; and

(7) Research related to any of the services and activities above.

(d) (1) "Area vocational education school" means any public school or public instution which falls in any one of the following categories:

(i) A specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market; or

(ii) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market; or

(iii) A technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market; or

(iv) The department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, under the supervision of the State board, leading to immediate employment but not necessarily leading to a baccalaureate degree.

(2) An "area vocational education school" shall be available to all residents of the State or an area of the State designated and approved by the State board. In the case of a technical or vocational school described in subparagraph (1)(iii) of this paragraph or a division of a junior college or community college or university described in subparagraph (1)(iv) of this paragraph, such school must admit as regular students both persons who have completed high school and persons who have left high school.

(e) "Commissioner" means the Commissioner of Education, U.S. Department of Health, Education, and Welfare.

(f) "Consumer and homemaking education" means education designed to help individuals and families improve home environments and the quality of personal and family life, and include instruction in food and nutrition, child development, clothing, housing, family relations, and management of resources with emphasis on selection, use, and care of goods and services, budgeting, and other consumer responsibilities.

(g) "Cooperative vocational education program" means a cooperative work-study program of vocational education for persons who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocation instruction by the alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his employability. Work periods and school attendance may be on alternate half-days, full-days, weeks, or other periods of time in fulfilling the cooperative vocational education work-study program.

(h) "Department" means the U.S. Department of Health, Education, and Welfare.

(i) "Disadvantaged persons" means persons who have academic, socioeconomic, cultural, or other handicaps that prevent them from succeeding in vocational education or consumer and homemaking programs designed for persons without such handicaps, and who for that reason require specially designed educational programs or related services. The term includes persons whose needs for such programs or services result from poverty, neglect, delinquency, or cultural or linguistic isolation from the community at large, but does not include physically or mentally handicapped persons (as defined in paragraph (o) of this section) unless such persons also suffer from the handicaps described in this paragraph.

(j) "Employment" means lawful work in a recognized occupation.

(k) "Equipment", as distinguished from supplies and other materials, means a fixed or movable article or set of articles which meets all the following conditions: (1) The article retains its original shape and general appearance with reasonable care and use over a period of at least 1 year; (2) it is nonexpendable, that is, if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it with an entirely new unit; and (3) it does not lose its identity through incorporation into a different or more complex unit or substance.

(l) "Fiscal year" means a period beginning on July 1 and ending on the following June 30. A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.

(m) "Funds", unless otherwise specified, means any funds available for expenditure under the State plan, whether derived from Federal allotments under the Act or State or local appropriations or other non-Federal sources. (See § 102.121 for further explanation.)

(n) "Gainful employment" means employment in a recognized or new and emerging occupation for which persons normally receive in cash or in kind a wage, salary, fee, or profit. This term includes employment in sheltered workshops for handicapped persons.

(o) "Handicapped persons" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason of their handicapping condition cannot succeed in a vocational or consumer and homemaking education program designed for persons without such handicaps, and who for that reason require special educational assistance or a modified vocational or consumer and homemaking education program.

(p) "High school" or "secondary school" does not include any grade beyond grade 12.

(q) "Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency (such as a junior or community college or State-operated area vocational school) having administrative control and direction of a vocational education program. In this part, anything modified by the adjective "local" pertains to a "local educational agency" herein defined.

(r) "Nonprofit," as applied to any school, agency, organization, or institution, means a school, agency, organization, or institution, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(s) "Occupational field" means a group of recognized and new and emerging occupations having substantial similarities common to all occupations in the group, e.g., similarity in the work performed; similarity in the abilities and knowledge required of the worker for successful job performance; similarity in the tools, machines, instruments, and other equipment used; and similarity in the basic materials worked on or with. The term is applied, in the case of Federal participation in the construction of an area vocational school, to determine whether a department of a certain type of high school, or a department or division of a junior college, community college, or university provides "vocational education in no less than five different occupational fields." (See paragraph (d)(1) of this section.) The purpose is to assure that such schools will have offerings that will afford prospective students of varying interests a reasonably broad choice of the type of occupation for which they are to be trained. Determinations of what is an "occupational field" will be made in the light of this purpose.

(t) "Postsecondary vocational education" means vocational education which is designed primarily for youth or adults who have completed or left high school and who are available for an organized program of study in preparation for entering the labor market. Such education may be provided in schools or institutions such as business or trade schools, technical institutions, or other technical or vocational schools; and departments of colleges and universities, junior or community colleges, and other schools offering vocational education, particularly technical education, beyond grade 12. The term shall not be limited to vocational education at the level beyond grade 12 if the vocational education needs of the persons to be served, particularly high school dropouts, require vocational education at a lower grade level. Anything modified by the adjective "postsecondary" pertains to postsecondary vocational education as herein defined.

(u) "Recognized occupation" or "new and emerging occupation" means a lawful occupation that has been identified or is identifiable by employers, employee groups and governmental and nongovernmental agencies and institutions concerned with the definition and classification of occupations.

(v) "School facilities" means the facilities of an area vocational education school, including:

(1) Instructional and auxiliary rooms and space necessary to operate a program of vocational instruction at normal capacity (in accordance with the State plan and the laws and customs of the State), such as classrooms, libraries, laboratories, workshops, cafeterias, office space, and utility space. This would not include facilities intended primarily for events for which admission is to be charged to the public such as single-purpose auditoriums, indoor arenas, or outdoor stadiums.

(2) Initial equipment of the school facilities described in subparagraph (1) of this paragraph, such as all necessary building fixtures and utilities, furnishings (including conventional classroom and office furniture), and instructional equipment as described in § 102.134 (d)(1).

(i) In connection with the erection of new or the expansion of existing facilities, initial equipment shall include only that equipment which must be placed in the proposed facility to accommodate the type of instruction or other vocational education purpose for which the facility is designed.

(ii) In connection with the acquisition, remodeling, and alteration of existing facilities, initial equipment also may include equipment installed to replace obsolete or worn-out equipment. Any reimbursement for salvage or trade-in value of any such equipment shall be deducted in computing the cost of such replacement equipment to be included in the construction costs of a proposed project.

(3) Interests, whether in fee, leasehold, or otherwise, in land on which such facilities are to be constructed.

(w) "State" means a State of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(x) "State board" means a State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies in the State, and designated pursuant to § 102.32.

(y) "State plan" means that plan submitted by a State board pursuant to the Act and the regulations in this part in order to be eligible to receive Federal funds allotted to the State. Such plan shall include both long-range and annual program plans pursuant to §§ 102.33 and 102.34.

(z) "State research coordination unit" means a unit in a State agency or institution designated by the State board in its State plan pursuant to § 102.71 as the coordination unit for vocational education research and personnel training programs; developmental, experimental, or pilot programs; and dissemination activities in vocational education, including those programs supported with funds under section 131(b) of the Act.

(aa) "Vocational education" means programs, services, or activities related to vocational or technical training or retraining provided under the Act, the regulations in this part, and the State plan. In this part, anything modified by the adjective "vocational" pertains to "vocational education" as herein defined. Such programs, services, and activities shall include:

(1) Vocational instruction meeting the standards and requirements of § 102.4;

(2) Vocational guidance and counseling meeting the standards and requirements of § 102.8; and

(3) Training of teachers and other vocational education personnel meeting the standards and requirements of § 102.9.

§ 102.4 Vocational instruction.

(a) *Arrangements for instruction.* (1) Vocational instruction shall be provided either under public supervision or control meeting the criteria of subparagraph (2) of this paragraph, or under contract with the State board or a local educational agency as provided for in § 102.5.

(2) To be under "public supervision and control," a school or class must be organized and operated under the direction of the State board or a local educational agency responsible for expenditure of public school funds for vocational education in the State.

(b) *Objective of instruction.* (1) Vocational instruction shall be designed to—

(i) Prepare individuals for gainful employment as semiskilled or skilled workers or technicians or semiprofessionals in recognized occupations and in new or emerging occupations, or

(ii) Prepare individuals for enrollment in advanced or highly skilled vocational and technical education programs, or

(iii) Assist individuals in the making of informed and meaningful occupational choices, or

(iv) Achieve any combination of the above objectives.

(2) Vocational instruction with the objective specified in subparagraph (1)(i) of this paragraph shall include:

(i) Instruction related to the occupation or occupations for which the students are in training; that is, instruction which is designed upon its completion to fit individuals for employment in a specific occupation or a cluster of closely related occupations in an occupational field, and which is especially and particularly suited to the needs of those engaged in or preparing to engage in such occupation or occupations. Such instruction shall include classroom related academic and technical instruction

and field, shop, laboratory, cooperative work, apprenticeship, or other occupational experience, and may be provided either to—

(a) Those preparing to enter an occupation upon the completion of the instruction, or

(b) Those who have already entered an occupation but desire to upgrade or update their occupational skills and knowledge in order to achieve stability or advancement in employment.

(ii) Instruction necessary for vocational students to benefit from instruction described in subdivision (i) of this subparagraph; that is, remedial or other instruction which is designed to enable individuals to profit from instruction related to the occupation or occupations for which they are being trained by correcting whatever educational deficiencies or handicaps prevent them from benefiting from such instruction.

(3) Pretechnical vocational instruction with the objective specified in subparagraph (1)(ii) of this paragraph shall include instruction of the type described in subparagraph (2) of this paragraph, except that such instruction need not be designed to fit individuals for employment in a specific occupation, but must be primarily designed to prepare individuals for enrollment in advanced or highly skilled postsecondary and technical education programs having the objective specified in subparagraphs (1)(i) of this paragraph. It shall not include instruction which is primarily designed to prepare individuals for higher education, or for professional training of the type described in paragraph (c)(2) of this section, and which is only incidentally designed for individuals preparing for technical education.

(4) Prevocational instruction with the objective specified in subparagraph (1)(iii) of this paragraph shall include instruction designed to familiarize individuals with the broad range of occupations for which special skills are required and the requisites for careers in such occupations.

(c) *Noneligible instruction*—(1) *General.* Funds under the Act shall not be available for instruction in general education subjects unless such subjects have objectives specified in paragraph (b) of this section. However, a program of vocational instruction under the State plan may be supplemented with such other general education subjects supported with funds from other sources as may be necessary to develop a well-rounded individual.

(2) *Professional.* Funds under the Act shall not be available for instruction which is designed to fit individuals for employment in recognized occupations which are generally considered to be professional or as requiring a baccalaureate or higher degree. The Commissioner has determined and specified the following as examples of occupations which are generally considered professional or as requiring a baccalaureate or higher degree, and are therefore excluded from those occupations for which instruction may be provided:

Accountants and auditors.
Actors and actresses.
Architects, artists, and sculptors.
Athletes, professional.
Authors, editors, and reporters.
Clergymen.
Engineers, professional.
Lawyers.
Librarians, archivists, and curators.
Life scientists, including agronomists, biologists, and psychologists.
Mathematicians.
Medical and health professions, including physicians, surgeons, dentists, osteopaths, veterinarians, pharmacists, and professional nurses.
Musicians.
Physical scientists, including chemists, physicists, and astronomers.
Social and welfare workers.
Social scientists, including economists, historians, political scientists, and sociologists.
Teachers and other educators.

The above is not intended to exclude from vocational instruction those semiprofessional, technical, or other occupations which are related to those listed, but which do not themselves require a baccalaureate degree.

(d) *Access to vocational instruction offered.* (1) In determining which individuals shall have access to programs of vocational instruction offered within the State, consideration will be given to all individuals residing in the State. If it is not economically or administratively feasible to provide each type of program in all areas and communities of the State served by a local educational agency, individuals residing in an area or community served by one local educational agency shall be permitted to enroll, in accordance with policies and procedures established by the State board or the local educational agencies involved, in a program of instruction offered by another local educational agency, so long as—

(i) The local educational agency serving the area or community in which the individual resides does not offer a reasonably comparable type of program.

(ii) Facilities are reasonably available for additional enrollees in the program offered by the receiving local educational agency.

(2) To the extent that facilities are available, each type of program of vocational instruction offered by the State board shall be made available to all individuals residing in the State, and each program of instruction offered by a local educational agency shall be made available to all individuals residing in the district or community served by the local educational agency offering such instruction. The fact that an individual resides in a certain attendance area within such district or community shall not preclude his access to a program of instruction available to other individuals residing in other attendance areas within the district or community, if access to a reasonably comparable program is not otherwise available to him.

(e) *Content of vocational instruction.* The content of vocational instruction shall be developed and conducted in accordance with the following standards to assure soundness and quality in such instruction:

(1) The program of instruction shall be based on a consideration of the skills, attitudes, and knowledge required to achieve the occupational or other objective of such instruction, and includes a planned sequence of those essentials of education or experience (or both) deemed necessary for the individual to achieve such objective.

(2) The program of instruction shall be developed and conducted in consultation with employers and other individuals or groups of individuals (such as local advisory committees) having skills in and substantive knowledge of the occupations or the occupational fields included in the instruction.

(3) The program of instruction shall include the most up-to-date knowledge, attitudes, and skills necessary for competencies required to meet the occupational or other objective of such instruction.

(4) The program of instruction shall be sufficiently extensive in duration and intensive within a scheduled unit of time to enable the student to achieve the occupational or other objective of the instruction.

(5) The program of instruction shall combine and coordinate classroom instruction with field, shop, laboratory, cooperative work, apprenticeship, or other occupational experience which (i) is appropriate to the occupational or other objective of the instruction, (ii) is of sufficient duration to develop competencies necessary for the student to achieve such objective, and (iii) is supervised, directed, or coordinated by persons qualified under the State plan. (See §§ 102.3 (g), 102.96 through 102.104, and 102.141 relating to cooperative vocational education programs.)

(f) *Adequate facilities and materials for instruction.* Classrooms, libraries, shops, laboratories, and other facilities (including instructional equipment, supplies, teaching aids, and other materials) shall be adequate in supply and quality to meet the occupational or other objectives of the vocational instruction offered. If the State board or local educational agency cannot provide such facilities and materials, but they are available in a business, industrial, service, or other establishment, vocational instruction may be provided in such establishments provided that such instruction meets the standards and requirements of the Act, the regulations of this part, and the State plan. See § 102.134(d)(1) for provisions governing the use of funds for instructional equipment, supplies, and teaching aids; §§ 102.3 (d) and (v), 102.44, and 102.135 for provisions governing the use of funds for construction of area vocational education school facilities.

(g) *Teachers and supervisors.* The vocational instruction shall be conducted and supervised by teachers, teacher aides, supervisors, and other supporting personnel as provided in § 102.38. To the extent necessary to provide for a sufficient supply of teachers, teacher aides, supervisors, and other supporting personnel in the State, the program of instruction shall be accompanied by a

teacher-training program as provided for in §§ 102.9 and 102.38(b).

(h) *Vocational guidance and counseling.* The program of instruction shall provide for vocational guidance and counseling personnel and services sufficient to enable such a program to achieve and continue to meet its objectives and the standards and requirements of this section. See § 102.8 for provisions relating to the use of funds for guidance and counseling programs.

(i) *Vocational youth organizations.* The program of instruction may include activities of vocational education youth organizations which are an integral part of the vocational instruction offered and which are supervised by vocational education personnel.

(j) *Evaluation.* Evaluation of the results of the program of instruction will be made periodically on the State level by the State board and the State advisory council and continuously on the local level with the results being used for necessary change or improvement in the program through experimentation, curriculum development, training of vocational education personnel, or other means. See § 102.36 for specific provisions relating to program evaluation.

§ 102.5 Vocational instruction under contract.

(a) *General.* Arrangements may be made for the provision of any portion of the program of instruction on an individual or group basis by public or nonpublic agencies or institutions (other than the State board or local educational agency) through a written contract with a State board or a local educational agency. Such contract shall describe the portion of instruction to be provided by such agency or institution and incorporate the standards and requirements of vocational instruction set forth in the regulations in this part and the State plan. Such a contract shall be entered into only upon a determination by the State board or local educational agency of satisfactory assurance that:

(1) The contract is in accordance with State or local law; and

(2) The instruction to be provided under contract will be conducted as a part of the vocational education program of the State and will constitute a reasonable and prudent use of funds available under the State plan.

Such contract shall be reviewed at least annually by the parties concerned.

(b) *Arrangements with private postsecondary vocational training institutions.* (1) Postsecondary vocational instruction provided in other than public institutions may be provided only through arrangements with private postsecondary vocational training institutions entered into pursuant to paragraph (a) of this section where the State board or local educational agency determines that such private institutions can make a significant contribution to attaining the objectives of the State plan, and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public agencies or institutions.

(2) For purposes of this paragraph, a "private postsecondary vocational training institution" means a private business or trade school, or technical institution or other technical vocational school providing postsecondary education in any State which meets the requirements set forth in subparagraphs (A) through (D) of section 108(11) of the Act. A list of such institutions meeting the requirements of this subparagraph may be obtained upon request from the Division of Vocational and Technical Education, Office of Education, Washington, D.C. 20202.

§ 102.6 Vocational education for disadvantaged or handicapped persons.

(a) Vocational education for disadvantaged or handicapped persons supported with funds under section 102 (a) or (b) of the Act shall include special educational programs and services designed to enable disadvantaged or handicapped persons to achieve vocational education objectives that would otherwise be beyond their reach as a result of their handicapping condition. These programs and services may take the form of modifications of regular programs, special educational services which are supplementary to regular programs, or special vocational education programs designed only for disadvantaged or handicapped persons. Examples of such special educational programs and services include the following: Special instructional programs or prevocational orientation programs where necessary, remedial instruction, guidance, counseling and testing services, employability skills training, communications skills training, special transportation facilities and services, special educational equipment, services, and devices, and reader and interpreter services.

(b) Funds available for vocational education for disadvantaged or handicapped persons may not be used to provide food, lodging, medical and dental services and other services which may be necessary for students enrolled in such programs but which are not directly related to the provision of vocational education to such students. However, the State board or local educational agency conducting such programs shall encourage the provision of such services through arrangements with other agencies responsible for such services. (See § 102.40 (b) and (c) relating to cooperative arrangements.)

(c) To the extent feasible, disadvantaged or handicapped persons shall be enrolled in vocational education programs designed for persons without their handicapping condition. Educational services required to enable them to benefit from such programs may take the form of modifications of such programs or of supplementary special educational services. In either case, funds available for vocational education for disadvantaged or handicapped persons may be used to pay that part of such additional cost of the program modifications or supplementary special educational services as is reasonably attributable to disadvantaged or handicapped persons.

(d) If certain disadvantaged or handicapped persons cannot benefit from regular vocational education programs to any extent, even with modifications thereto or with the provision of supplementary special educational services, then these persons shall be provided with special programs of vocational instruction which meet the standards and requirements of all vocational education programs set forth in § 102.4 and which, in addition, include such special instructional devices and techniques and such supplementary special educational services as are necessary to enable those persons to achieve their vocational objective. In these cases, funds available for vocational education for the disadvantaged or the handicapped may be used to pay that part of the total cost of the instructional program and supplementary special educational services that are reasonably attributable to the vocational education of disadvantaged or handicapped persons.

(e) Vocational education programs and services for disadvantaged or handicapped persons shall be planned, developed, established, administered, and evaluated by State boards and local educational agencies in consultation with advisory committees which include representatives of such persons; and in cooperation with other public or private agencies, organizations, and institutions having responsibility for the education of disadvantaged or handicapped persons in the area or community served by such programs or services, such as community agencies, vocational rehabilitation agencies, special education departments of State and local educational agencies, and other agencies, organizations, and institutions, public or private, concerned with the problems of such persons. (See § 102.40 (b) and (c) relating to cooperative arrangements.)

§ 102.7 Participation of students in private nonprofit schools.

The participation of students enrolled in private nonprofit schools in vocational education programs or projects under part B supported with funds allotted under section 102(b) and under parts D and G of the Act (see §§ 102.66, 102.79, and 102.101) shall be in accordance with the following requirements:

(a) Each program and project carried out under part B supported with funds allotted under section 102(b) and under parts D and G of the Act shall be designed to include, to the extent consistent with the number of students enrolled in private nonprofit schools in the geographic area served by the program or project, vocational education services which will meet the vocational education needs of such students. Such services may be provided through such arrangements as dual enrollment, educational radio and television, or mobile or portable equipment, and may include professional and subprofessional services.

(b) The vocational education needs of students enrolled in private nonprofit schools located within the geographic areas served by the program or project, the number of such students who will participate in the program or project,

and the types of vocational education services which will be provided for them shall be determined, after consultation with persons knowledgeable of the needs of those students, on a basis comparable to that used in providing such vocational education services to students enrolled in public schools. Each application submitted by the local educational agency to the State board shall indicate the number of students enrolled in private nonprofit schools who are expected to participate in each program and project proposed by such agency and the degree and manner of their expected participation.

(c) Public school personnel may be made available on other than public school premises only to the extent necessary to provide vocational education services required by the students for whose needs such services were designed, and only when such services are not normally provided at the private school. The State board or local educational agency providing such vocational education services to students in private nonprofit schools shall maintain administrative control and direction over such services, and each application from a local educational agency providing such services shall so provide. Vocational education services provided with Federal funds shall not include the payment of salaries of teachers or other employees of private schools, except for services performed outside their regular hours of duty and under public supervision and control, nor shall they include the use of equipment, other than mobile or portable equipment, on private school premises or the construction of private school facilities. Mobile or portable equipment may be used on private school premises for such period of time within the life of the current program or project for which the equipment is intended to be used as is necessary for the successful participation in that program or project by students enrolled in private schools.

(d) Any program or project to be carried out on public premises and involving joint participation by students enrolled in private nonprofit schools and students enrolled in public schools shall include such provisions as are necessary to avoid forming classes that are separated by school enrollment or religious affiliation.

§ 102.8 Vocational guidance and counseling.

(a) State boards and local educational agencies conducting programs of instruction shall provide such vocational guidance and counseling services as are required by such instruction pursuant to § 102.4(h). Such vocational guidance and counseling services shall be designed to (1) identify and encourage the enrollment of individuals needing vocational education, (2) provide the individuals with information necessary to make meaningful and informed occupational choices, (3) assist them while pursuing a program of vocational instruction, (4) aid them in vocational placement, and (5) conduct followup procedures to determine the effectiveness of the vocational instruction and guidance and counseling program.

(b) The State board shall make provision for an adequate guidance and counseling supervisory staff to (1) develop, secure, and distribute occupational information, (2) provide consultative services concerning the vocational aspects of guidance, and (3) give leadership to the promotion and supervision of better vocational guidance and counseling services at the local level. In carrying out these responsibilities, the State board shall utilize the resources of the State employment service pursuant to the cooperative arrangements provided for in § 102.40(a).

§ 102.9 Training of personnel.

(a) *General.* The State board shall provide for such training (both preservice and inservice) as is necessary to provide qualified personnel meeting the requirements of the State plan pursuant to § 102.38. Such training shall be sufficient to provide an adequate supply of qualified teachers and other personnel, including those capable of meeting the special educational needs of disadvantaged and handicapped persons in the State.

(b) *Arrangements for training of personnel.* (1) Training of personnel pursuant to paragraph (a) of this section may be provided either by (i) the State board or (ii) public or private agencies or institutions.

(2) When such training is provided by an agency or institution other than the State board, the State board shall enter into cooperatively developed written agreements with such agency or institution. These agreements shall describe the training program developed by the State board in cooperation with such agency or institution, and the policies and procedures which the State board and the agency or institution agree to utilize in evaluating the effectiveness of the programs so described.

(c) *Eligibility of enrollees.* Training of personnel pursuant to paragraph (a) of this section shall be offered only to persons who are teaching or are preparing to teach vocational education students or consumer and homemaking students or who are undertaking or are preparing to undertake other professional or semiprofessional duties and responsibilities in connection with vocational education programs or consumer and homemaking programs under the State plan to whom such education would be useful professionally.

Subpart B—State Advisory Council

§ 102.21 Establishment and certification.

(a) *Establishment.* Each State which desires to receive funds under the Act and the regulations in this part for any fiscal year shall establish a State advisory council which shall be appointed by the Governor or, in the case of States in which the members of the State board are elected, by such board, and which shall be separate and independent from the State board.

(b) *Appointment by State board.* In order for the appointment power to be vested in the State board pursuant to paragraph (a) of this section, a majority of its members must be individuals elected directly by the eligible voters of the State or of the districts which the individuals represent.

(c) *Certification.* The Governor of each State establishing an advisory council appointed by the Governor or the State board in each State establishing an advisory council appointed by the State board pursuant to paragraph (a) of this section shall certify to the Commissioner the establishment and membership of such advisory council not less than 90 days prior to the beginning of any fiscal year ending after June 30, 1969.

§ 102.22 Membership.

The membership of the State advisory council shall exclude members of the State board, and shall include:

(a) At least one person familiar with the vocational needs and problems of management and labor in the State and at least one person representing State industrial and economic development agencies;

(b) At least one person representative of community and junior colleges and other institutions of higher education, area vocational schools, technical institutes, and postsecondary or adult education agencies or institutions, which may provide programs of vocational or technical education and training;

(c) At least one person familiar with the administration of State and local vocational education programs, and at least one person having special knowledge, experience, or qualifications with respect to vocational education and who is not involved in the administration of State or local vocational education programs;

(d) At least one person familiar with programs of technical and vocational education, including programs in comprehensive secondary schools;

(e) At least one person representative of local educational agencies, and at least one person representative of school boards;

(f) At least one person representative of manpower and vocational education agencies in the State and the Comprehensive Area Manpower Planning System of the State;

(g) At least one person representing school systems with large concentrations of academically, socially, economically, and culturally disadvantaged students;

(h) At least one person with special knowledge, experience, or qualifications, with respect to the special educational needs of physically or mentally handicapped persons; and

(i) Persons representative of the general public, of whom at least one shall be representative of and knowledgeable about the poor and disadvantaged, who are not qualified for membership under any of the preceding categories.

§ 102.23 Functions and responsibilities.

The State advisory council shall—

(a) Advise the State board on the development of the State plan, including the preparation of long-range and annual program plans pursuant to §§ 102.33 and 102.34, and prepare and submit pursuant to § 102.31(e)(2) a statement describing its consultation with the State board on its State plan;

(b) Advise the State board on policy matters arising in the administration of the State plan submitted pursuant to the Act and the regulations in this part;

(c) Evaluate vocational education programs, services, and activities under the State plan, and publish and distribute the results thereof;

(d) Prepare and submit through the State board to the Commissioner and to the National Advisory Council an annual evaluation report, accompanied by such additional comments of the State board as the State board deems appropriate, which (1) evaluates the effectiveness of vocational education programs, services, and activities carried out in the year under review in meeting the program objectives set forth in the long-range program plan and the annual program plan required by §§ 102.33 and 102.34, and (2) recommends such changes as may be warranted by the evaluations; and

(e) Prepare and submit through the State board (acting as fiscal agent for the State advisory council) within 60 days after the Commissioner's acceptance of certification submitted pursuant to § 102.21(c) an annual budget covering the proposed expenditures of the State advisory council and its staff for the following fiscal year.

§ 102.24 Meetings and rules.

Each State advisory council shall meet within 30 days after certification has been accepted by the Commissioner and select from among its membership a chairman. The time, place, and manner of meeting shall be as provided by the rules of the State advisory council. Such rules shall provide for not less than one public meeting each year at which the public is given opportunity to express views concerning vocational education.

§ 102.25 Staff.

Each State advisory council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable the council to carry out its functions described in § 102.23 and to contract for such services as may be necessary to enable it to carry out its evaluation functions. Such personnel shall not include members of the State board, and shall be subject only to the supervision and direction of the State advisory council with respect to all services performed by them for the council.

§ 102.26 Compensation.

Members of the State advisory council and its staff, while serving on the business of the council, may receive subsistence, travel allowances, and compensation in accordance with State law, regulations, and practices applicable to persons performing comparable duties and services.

Subpart C—State Plan Provisions

GENERAL

§ 102.31 State plan.

(a) *General.* Any State desiring to receive funds for any fiscal year under the Act shall submit to the Commissioner, in accordance with such forms, instructions, and guidance as may be furnished by him, a State plan which meets the requirements of the Act and the regulations in this part. Such plan shall be a detailed description of the State's programs, services, and activities under the Act, and shall include the policies and operating procedures which the State board will implement in order to maintain, extend, and improve existing programs and develop new programs in furtherance of the purposes of the Act. Such procedures shall assure that funds allotted to the State under the Act will be expended only for programs, services, and activities related either to vocational education for gainful employment or consumer and homemaking education. For specific State plan requirements under the Act:

(1) Regarding all programs, services, and activities under the Act, see §§ 102.31 through 102.46;

(2) Regarding programs, services, and activities under each of the parts of the Act, see §§ 102.51 through 102.113; and

(3) Regarding Federal financial participation, see appropriate sections in Subpart D of this part.

(b) *Format.* The State plan shall be composed of three parts:

(1) The administrative plan provisions required in this subpart, which are set forth in the initial State plan and thereafter amended only as necessary to conform with the requirements of the Act, the regulations in this part and applicable State law, rules, and regulations;

(2) The long-range program plan provided for in § 102.33, which shall be revised annually and submitted with the annual program plan;

(3) The annual program plan provided for in § 102.34, which shall be submitted each year at such time as the Commissioner shall specify.

(c) *Amendment*—(1) *Administrative plan provisions.* The administration of vocational education programs under the State plan must be kept in conformity with the administrative plan provisions. Whenever there is any material change in the content or administration of such program, or in pertinent State law, or in the organization, policies, and operations of the State board affecting the programs under the plan, the administrative plan provisions shall be appropriately amended by the State board after consultation with the State advisory council, and such amendment shall be submitted to the Commissioner. The effective date of such amendment is the date on which it is received by the Commissioner in substantially approvable form.

(2) *Long-range program plan.* Changes in estimates of present and projected vocational education needs and vocational education objectives set forth in the long-range program plan shall be submitted each year as a part of the annual revision of such plan.

(3) *Annual program plan.* Minor deviations in actual allocations of funds from specific amounts estimated for allocation among programs, services, and activities described in the annual program plan submitted pursuant to § 102.34 shall not constitute such a change in the State plan as to require amendment of the annual program plan in order to be in conformity with Federal requirements if otherwise made in accordance with the Act, the regulations in this part, and other provisions of the State plan. Such minor deviations and the reasons therefor (such as, for example, a change in the total amount of funds available to the State for programs, services, and activities under the State plan) shall be indicated and explained in the annual report of the State board submitted pursuant to § 102.160.

(d) *Certification of State plan*—(1) *Certification by State board.* The annual State plan and any amendments thereto required by paragraph (c) of this section shall include as an attachment a certificate of the officer of the State board authorized to submit the State plan to the effect that the plan or amendment has been adopted by the State board and that the plan or plan as amended will constitute the basis for operation and administration of the vocational education program in which Federal financial participation will be made.

(2) *Certification by State Attorney General.* The State plan and any amendment thereto required by paragraph (c) of this section shall also include as an attachment a certificate by the State's Attorney General, or other official designated in accordance with State law to advise the State board on legal matters, to the effect that the State board named in the plan is the State board which has authority under State law to submit the State plan and to administer or supervise the administration of the vocational education programs described therein as the sole agency responsible for administration of the plan; and that all the plan provisions with respect to the use of funds under the Act can be carried out by the State.

(e) *Prerequisites for submission of State plan*—(1) *General.* The State plan or any amendment thereto required by paragraph (c) of this section shall be submitted to the Commissioner only if the State board has—

(i) Prepared the State plan or amendments thereto in consultation with the State advisory council pursuant to subparagraph (2) of this paragraph;

(ii) Given reasonable notice and afforded reasonable opportunity for a public hearing as described pursuant to subparagraph (3) of this paragraph; and

(iii) Implemented policies and procedures with regard to public information described pursuant to subparagraph (4) of this paragraph.

(2) *Consultation with State advisory council.* The State plan for each fiscal year and any amendment thereto required by paragraph (c) of this section shall be accompanied by a statement of the State advisory council certifying that the State plan or amendment was prepared in consultation with the council.

(3) *Public hearing.* The State plan for each fiscal year and any amendment thereto required by paragraph (c) of this section shall be accompanied by a statement describing the method by which, and the extent to which, reasonable notice and opportunity for a hearing was offered by the State board prior to the adoption of such plan or amendment, including a description of how and to whom notice of public hearings was given, the manner in which such hearings were conducted, and the results of such hearings.

(4) *Public information.* The State plan shall describe the policies and procedures established by the State board for the purpose of making reasonably available to the public copies of the approved State plan described in paragraph (b) of this section, and amendments thereto, and all statements of general policies, rules, regulations, and procedures issued by the State board concerning the administration of the State plan.

(f) *Approval by Commissioner.* (1) The Commissioner will not approve a State plan or amendment thereto until he has:

(i) Examined each of its provisions;

(ii) Made specific findings, on the basis of reports submitted to him pursuant to §§ 102.159 and 102.160 and such other reports and information available to him, that each of its provisions complies with the applicable State plan requirements set forth in the Act and the regulations in this part; and

(iii) Determined that its provisions are set forth in sufficient detail to insure that such provisions will be carried out.

(2) After reviewing the State plan or amendment pursuant to subparagraph (1) of this paragraph, the Commissioner shall notify the State board of the granting or withholding of approval in each such case. No final action with respect to a State plan or amendment, other than that of approval, will be taken by the Commissioner unless he first notifies the State board of his proposed action and in connection therewith affords a reasonable opportunity for a hearing on whether the affected plan or amendment meets such requirements.

§ 102.32 State board.

(a) *Designation or creation.* Any State desiring to receive Federal funds under the Act shall designate or create by State law a State board which is the sole State agency responsible for the administration of vocational education, or for the supervision of the administration thereof by local educational agencies, in the State. The State plan shall identify the State board so designated or created and the executive officer thereof.

(b) *Authority.* The State plan shall set forth the authority of the State board designated or created pursuant to paragraph (a) of this section and shall set forth the State board's authority under State law to submit the State plan and administer the program contained therein. If local educational agencies have any authority for the administration of State plan programs, the State plan shall also indicate the basis for such authority and for the authority of the State board to supervise such administration. Copies of, or citations to, all pertinent laws and interpretations of laws by appropriate State officials or courts shall be included as a part of the State plan.

§ 102.33 Long-range program plan.

The State plan shall include a long-range program plan (or, as appropriate, a supplement to or revision of a previously submitted long-range plan) for vocational education in the State. Such plan shall:

(a) Extend over a 5-year period beginning with the fiscal year for which the plan is submitted;

(b) Describe the present and projected vocational education needs of the State; and

(c) Set forth a program of vocational education objectives which affords satisfactory assurance of substantial progress toward meeting the vocational education needs of the potential students in the State.

§ 102.34 Annual program plan.

The State plan shall also include an annual program plan as an explanation and justification of the activities that carry out the objectives of the first year of the long-range plan. The annual program plan shall describe

(a) The content of vocational education programs, services, and activities to be carried out during the year for which Federal funds are sought (whether or not supported with Federal funds under the Act);

(b) The allocation of Federal and State vocational education funds to the programs, services, and activities referred to in paragraph (a) of this section;

(c) How and to what extent such programs, services, and activities will carry out the program objectives set forth in the long-range program plan referred to in § 102.33;

(d) How and to what extent the allocations of Federal funds by the State will take into consideration the criteria set forth in §§ 102.53 through 102.57; and

(e) The extent to which consideration was given to the findings and recommendations of (1) the most recent evaluation report of the State advisory council and (2) other evaluation reports and studies.

§ 102.35 State administration and leadership.

(a) *Adequate State board staff.* The State board shall provide for a State staff sufficiently qualified by education and experience and in sufficient numbers to enable the State board to plan, develop, administer, supervise, and evaluate vocational education programs, services, and activities under the State plan to the extent necessary to assure quality in all education programs which are realistic in terms of actual or anticipated employment opportunities and suited to the needs, interests, and abilities of those being trained. Particular consideration shall be given to staff qualifications for leadership in programs, services, and activities for disadvantaged persons, and handicapped persons, depressed areas, research and training, exemplary programs and projects, consumer and homemaking, cooperative vocational education, curriculum development, and work-study.

(b) *Organization of State board staff.* The State plan shall describe the organizational structure of the State board staff, including a description of its units, the functions assigned to each unit, the number of professional personnel assigned to each unit, and the relationships among the units within the State board staff and with other State agencies and institutions responsible for conducting programs of vocational and technical education. The titles of all State officials who are to have authority in the administration and supervision of the programs, services, and activities shall be given in the State plan. This description shall be sufficient to enable the Commissioner to find that the State board has an adequate staff to provide requisite administration and supervision of the federally aided vocational education programs. The plan shall provide for a full-time State director or a full-time executive officer who shall have no substantial duties outside the vocational education program.

§ 102.36 Program evaluation.

(a) The State board shall be responsible for assuring that State and local programs, services, and activities carried out under the State plan will be periodically evaluated with sufficient extensiveness and frequency to enable the State board to effectively carry out its functions under the State plan and fulfill the purposes of the Act.

(b) In carrying out its evaluation responsibilities pursuant to paragraph (a) of this section, the State board may utilize the evaluations made by the State advisory council pursuant to § 102.23(c), and such additional evaluations conducted or arranged by the State board and each local educational agency as may be required to carry out such responsibilities. The results of such periodic evaluations shall be described in the annual report submitted by the State board pursuant to § 102.160, and may provide the basis for the State board's comments on the State evaluation report submitted by the State advisory council pursuant to § 102.159.

(c) The State plan shall describe the State's program for evaluating State and local programs, services, and activities carried out under the State plan. This description shall include:

(1) The agencies and institutions (in addition to the State advisory council pursuant to § 102.23(c)) responsible for making periodic evaluations;

(2) The frequency with which each of the agencies and institutions referred to in subparagraph (1) of this paragraph will make periodic evaluations of the various programs, services, and activities under the State plan carried out at both the State and local levels; and

(3) The procedures which the State will follow, or which it will require local educational agencies to follow, in conducting periodic evaluations, including an outline of the types of evaluations planned and of the criteria to be utilized in evaluating the effectiveness of programs, services, and activities under the State plan supported with funds from any of the allotments under the Act.

§ 102.37 Custody of Federal funds.

The State plan shall provide that the State, through its legislative authority, will designate its State treasurer (or, if there is no State treasurer, the officer exercising similar functions for the State) to receive payments of Federal funds pursuant to the Act and subpart E of this part and provide proper custody of all such Federal funds to be disbursed under applicable State laws and regulations on requisition or order of the State board. The State plan shall identify the official so designated to receive the funds. Copies of, or citations to, all directly pertinent laws and interpretations of laws by appropriate State officials or courts indicating the authority of the State treasurer or other official designated to receive, hold, and disburse funds on requisition or order of the State board shall be furnished as part of the State plan.

§ 102.38 Qualifications of personnel.

(a) *Minimum qualifications.* The State plan shall set forth the minimum qualifications for teachers, teacher trainers, supervisors, directors, and all other personnel (including teacher aides) having responsibilities for vocational education and consumer and homemaking education in the State regardless of whether there is to be Federal financial participation in their salaries. Such qualifications shall contain standards of experience and education and other requirements which are reasonable in relation to the duties to be performed, including recent experience and association with the groups of persons to be served such as disadvantaged persons. Provision shall be made for personnel having unique and relevant experiences in lieu of formal degrees and certifications requiring such degrees.

(b) *Improvement of qualifications.* The State plan shall set forth the State board's policies and procedures which have been developed to improve the qualifications of personnel referred to in paragraph (a) of this section to insure that the personnel needs for programs, services, and activities under the State plan are met. The State plan shall describe the methods by which the State board makes arrangements for preservice and inservice training of personnel meeting the requirements of § 102.9.

(c) *Modification of personnel standards.* The State plan shall set forth the State board's policies and procedures for reviewing and modifying personnel qualification standards to insure that such qualification standards continue to reflect a direct relationship with the need for personnel in vocational education programs carried out under the State plan. Such modifications shall include those deemed necessary for the employment of personnel necessary to carry out research, experimental, developmental, demonstration, or pilot programs, or exemplary programs or projects.

§ 102.39 State reports.

The State plan shall provide that the State board will make and submit to the Commissioner on a timely basis the reports described in §§ 102.159 and 102.160, and such other reports in such form and containing such information as the Commissioner may from time to time reasonably require to carry out his functions under the Act; and will keep such records, afford such access thereto, and comply with such other provisions as the Commissioner may find necessary to assure the correctness and vertification of such reports.

§ 102.40 Cooperative arrangements.

(a) *With State employment service.* The State plan shall provide for cooperative arrangements with the public employment service system in the State. Such arrangements shall be approved by the State board and by the State head of such system, and a copy of the agreement between the State board and the State head of such system providing for such arrangements shall be submitted as a part of the State plan. Under such cooperative arrangements:

(1) The employment offices will make available to the State board and local educational agencies occupational information regarding reasonable present and future prospects of employment in the community and elsewhere. The State plan shall provide how such information, along with all other pertinent information available, will be considered by the State board or local educational agencies in providing vocational guidance and counseling to students and prospective students and in determining the occupations for which persons are to be trained and in providing such training.

(2) Guidance and counseling personnel of the State board and local educational agencies working through the cooperative arrangement will make available to the local public employment offices information regarding the occupational qualifications of persons having completed or completing vocational education courses in schools. The State plan shall provide how such information will be considered in the occupational guidance and placement of such persons.

(b) *With State agencies responsible for education of handicapped persons.* The State plan shall provide for cooperative arrangements with the State special education agency, the State vocational rehabilitation agency, or other State agencies having responsibilities for the education of handicapped persons in the State. Such cooperative arrangements shall provide for—

(1) The joint development of a comprehensive plan for the vocational education of handicapped persons in the State which shall provide the basis for the provisions in the State plan relating to vocational education of handicapped persons; and

(2) Coordination of activities of the State board and the other State agencies in the development and administration of the State plan to the extent that handicapped persons are affected, such as, for example, in the review of applications for funds for programs or projects providing benefits to handicapped persons. Copies of agreements between the State board and other agencies providing for the arrangements described herein shall be submitted when executed by the State board for filing with the State plan.

(c) *With other agencies, organizations, and institutions.* The State plan shall provide that in the development of vocational education programs, services, and activities there may be, in addition to the cooperative arrangements referred to in paragraphs (a) and (b) of this section, cooperative arrangements with other agencies, organizations, and institutions concerned with manpower needs and job opportunities, such as institutions of higher education, model city, business, labor, and community action organizations. Copies of agreements between the State board and other agencies, organizations, and institutions, providing for such arrangements described herein shall be submitted when executed by the State board for filing with the State plan.

(d) *With other States.* In order to provide all individuals with ready access to suitable vocational education of high quality with offerings which have been developed in light of actual or anticipated opportunities for employment, the State plan may provide that the State enter into a cooperative arrangement with one or more other States for the conduct and administration of programs, services, and activities under the State plan. The State plan shall describe the policies and procedures of the State for approval of and participation in such arrangements. Copies of all such cooperative agreements (including joint fiscal arrangements, if any) shall be submitted when executed by the State board of each participating State to the U.S. Office of Education for filing with the State plan.

§ 102.41 Effective use of program results and experience.

The State plan shall provide that, in planning, developing, and carrying out programs, services, and activities under any part of the Act, effective use will be made of the results and experience of other programs and projects assisted under other parts of the Act, both through allotments to the State under the regulations in this part and its State

plan, and through direct grants and contracts by the Commissioner under the regulations in 45 CFR Part 103. The State plan shall also describe the policies and procedures to be followed by the State board in assuring such effective use.

§ 102.42 State fiscal and accounting procedures.

(a) *General.* The State plan shall describe the fiscal control and fund accounting procedures which are in accordance with applicable State and local laws, rules, and regulations and which will assure proper disbursement of and accounting for Federal funds paid to the State under each program included in this part, funds paid by the State to participating local educational agencies and other organizations, agencies, and institutions, and all matching funds. (See also State plan requirements in § 102.123(b).)

(b) *Audits of expenditures.* The State plan shall provide that accounts and supporting documents of the State board and participating local educational agencies relating to program expenditures involving Federal financial participation will be adequate to permit an accurate and expeditious audit. All expenditures claimed for Federal financial participation shall be audited either by the State or by appropriate auditors at the local level. The State plan shall provide that the expenditures made under the State plan will be audited by an appropriate State audit agency or by an independent certified public accountant or independent licensed public accountant, certified or licensed by a regulatory authority of a State or other subdivision of the United States. Such State and local audits shall be in accordance with generally accepted auditing standards, which shall be no less in scope and coverage than those standards which may be prescribed by the Department. The State plan shall provide that copies of audit reports will be made available to the State board to assure that proper use has been made of the funds expended.

§ 102.43 Opportunity for hearing on local applications.

The State plan shall provide that any local educational agency dissatisfied with final action with respect to any application for funds under the Act shall be given reasonable notice and opportunity for a hearing before a board or official designated by the State board for this purpose and specified in the State plan. The State plan shall describe the procedures for affording local educational agencies reasonable notice and opportunity for a hearing, for conducting such hearing, for providing a written record of the hearing, and for informing local educational agencies in writing of the decisions and reasons therefor.

§ 102.44 Requirements with respect to construction.

The State plan shall provide assurance that the following requirements will be complied with on all construction projects assisted under part B of the Act:

(a) *Labor standards.* All laborers and mechanics employed by contractors and subcontractors on all construction projects assisted under the Act will be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5) and 29 CFR Part 1 (29 F.R. 95), and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (40 U.S.C. 327–332); that such contractors and subcontractors shall comply with the provisions of 29 CFR Part 3 (29 F.R. 97); and that all construction contracts and subcontracts shall incorporate the contract clauses required by 29 CFR 5.5 (a) and (c) (29 F.R. 100, 101, 13463).

(b) *Equal employment opportunity.* All construction contracts exceeding $10,000 shall include the employment nondiscrimination clause prescribed by section 203 of Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), and the State board or local educational agency shall otherwise comply with the requirements of section 301 of said Executive order.

(c) *Avoidance of flood hazards.* In the planning of the construction of school facilities under the Act, the State board or local educational agency shall, in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (31 F.R. 10663), and such rules and regulations as may be issued by the Department to carry out those provisions, evaluate flood hazards in connection with such school facilities, and, as far as practicable, avoid the uneconomic, harzardous, or unnecessary use of flood plains in connection with such construction.

(d) *Accessibility to handicapped persons.* Except as otherwise provided for in the regulations issued by the Administrator of General Services (41 CFR Part 101–17) to implement Public Law 90–480 (42 U.S.C. ch. 51), all school facilities shall be designed, constructed, or altered with funds under the Act in accordance with the minimum standards contained in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, Number A117.1–1961," approved by the American Standards Association, Inc., (subsequently changed to United States of America Standards Institute).

(e) *Competitive bidding.* All construction contracts shall be awarded to the lowest qualified bidder on the basis of open competitive bidding except that, if one or more items of construction, specified in § 102.135 are covered by an established alternative procedure, consistent with State and local laws and regulations, which is approved by the State agency as designed to assure construction in an economical manner consistent with sound business practice, such alternative procedure shall be described in the State plan.

(f) *Elaborate or extravagant design or materials.* The projects will be undertaken in an economic manner and will not be elaborate or extravagant in design or materials.

§ 102.45 Economically depressed or high unemployment areas.

(a) In determining which areas and communities of the State are "economically depressed areas," "economically depressed communities," or "areas of high unemployment" for the purposes of §§ 102.55(b), 102.70(a)(2), and 102.92 (c), the State board may rely upon the determinations made by the Secretary of Commerce of areas eligible for designation as "redevelopment areas" pursuant to section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161). Information on such areas may be obtained from the Economic Development Administration, Department of Commerce, Washington, D.C. 20230, or from its regional offices.

(b) If the State board determines that the use of such determinations by the Secretary of Commerce is impracticable or undesirable with respect to its State either because the areas so designated are too large in size or too few or many in number, the State board may designate such other areas or communities in the State of smaller size (such as local school districts or school attendance areas therein, urban renewal areas, or model city areas) which, on the basis of the most recent information available to it, meet either of the following criteria (or more strict criteria as the State board may deem appropriate):

(1) The current rate of unemployment is at least 6 percent; or

(2) The median family income in the area is not more than 40 percent of the national median.

(c) The State plan shall describe

(1) The manner in which the State board determines which areas or communities in the State will be designated as economically depressed or high unemployment areas or communities in terms of—

(i) The size or composition of the area to be designated, and

(ii) The criteria to be used by the State board in designating such areas in terms of such factors as the unemployment rate, median family income or other indices of economic depression; and

(2) The sources of information on unemployment rates, median family income, and other indices of economic depression, and the frequency with which this information is updated.

§ 102.46 Areas of high concentration of unemployed youth or school dropouts.

(a) In determining which areas of the State are "areas of high concentration of youth unemployment or school dropouts" for the purposes of §§ 102.65, 102.97 (a), and 102.111(a), the State board, on the basis of the most recent information available to it, shall designate areas of the State (including local school districts or school attendance areas therein, urban renewal areas, or model city areas) which meet the following criteria (or more

strict criteria as the State board may deem appropriate):

(1) The current rate of youth unemployment in the area is at least 12 percent.

(2) The current school dropout rate in the area is in excess of the overall State school dropout rate. For the purpose of this section, the term "school dropout" refers to a student who leaves an elementary or secondary school before graduation from secondary school or completion of a program of studies and without transferring to another school.

(b) The State plan shall describe—

(1) The manner in which the State board determines which areas in the State will be designated as areas of high concentrations of youth unemployment and school dropouts in terms of—

(i) The size or composition of the area to be designated, and

(ii) The criteria used by the State board in designating such areas in terms of such factors as rate of youth unemployment or school dropout rate;

(2) The method of computing the overall State school dropout rate and the school dropout rates in the areas to be designated and the sources of information used in computing such rates; and

(3) The sources of information on youth unemployment rates, the age range of youths included in such information, and the frequency with which this information is updated.

STATE VOCATIONAL EDUCATION PROGRAMS

§ 102.51 Allocation of funds to part B purposes.

(a) Funds appropriated under section 102(a) of the Act and allotted to States for the purposes of part B may be used for vocational education programs, services, and activities for the following groups of persons:

(1) Persons in high school;

(2) Persons who have completed or left high school and who are available for study in preparation for entering the labor market;

(3) Persons who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment (other than persons receiving training allowances under the Manpower Development and Training Act of 1962 (42 U.S.C. 2571–2628) or the Trade Expansion Act of 1962 (19 U.S.C. 1801–1991));

(4) Disadvantaged persons; and

(5) Handicapped persons.

(b) The programs, services, and activities referred to in paragraph (a) of this section shall include:

(1) Programs of vocational education, as defined in § 102.3(aa), including:

(i) Vocational instruction as provided in § 102.4;

(ii) Vocational guidance and counseling designed to aid vocational education students in the selection of, and preparation for, employment in all vocational areas, as provided for in § 102.8; and

(iii) Vocational education through arrangements with private postsecondary vocational training institutions, as provided for in § 102.5(b);

(2) Construction of area vocational education schools, as defined in § 102.3(d); and

(3) Ancillary services and activities to assure quality in all vocational education programs described in subparagraph (1) of this paragraph, as defined in § 102.3(c).

(c) The State plan requirements set forth in §§ 102.31 through 102.46 are applicable to State vocational education programs, services, and activities described in paragraphs (a) and (b) of this section. In addition, paragraph (d) of this section and §§ 102.52 through 102.60 require inclusion in the State plan of certain provisions specifically applicable to such programs.

(d) The State plan shall set forth in detail the policies and procedures to be followed by the State board in allocating part B funds in its annual program plan among the programs, services, and activities specified in paragraph (b) of this section, and among the population groups specified in paragraph (a) of this section which are to be served by each of these programs, services, and activities. These policies and procedures shall:

(1) Assure compliance with the percentage requirements specified in § 102.59;

(2) Include the policies and procedures to be followed by the State board and local educational agencies in identifying disadvantaged persons in terms of such factors as those in § 102.3(i);

(3) Include the policies and procedures to be followed by the State board and local educational agencies in identifying handicapped persons of the various types specified in § 102.3(o);

(4) Assure that due consideration will be given to the current and projected manpower needs and job opportunities existing in the State; and

(5) Assure that due consideration will be given to the relative vocational education needs of each of the population groups specified in paragraph (a) of this section, particularly disadvantaged or handicapped persons.

§ 102.52 Allocation of funds among local educational agencies.

(a) The State board shall allocate funds allotted to it under part B of the Act among local educational agencies for the purposes specified in § 102.51 in such a manner as to:

(1) Fulfill (i) the statewide matching requirements of § 102.133, (ii) the maintenance-of-effort requirement of § 102.58, and (iii) the reasonable tax effort requirement of § 102.57; and

(2) Maintain compatibility with (i) the long-range objectives set forth in the long-range program plan pursuant to § 102.33, and (ii) the estimated allocation of funds to program purposes made pursuant to § 102.51 and set forth in the annual program plan pursuant to § 102.34.

(b) No funds made available to States under the Act shall be allocated among local educational agencies by matching local expenditures at a percentage ratio uniform throughout the State or by any other method which fails to take into consideration the criteria for allocation of funds set forth in §§ 102.53 through 102.56.

(c) The State plan shall describe in detail the policies and procedures by which the State board determines how the funds allotted to it under part B of the Act will be allocated among the local educational agencies of the State. This description shall include:

(1) An outline of the procedures by which local applications submitted by local educational agencies pursuant to § 102.60 will be processed, reviewed, and acted upon by the State board;

(2) A statement of any criteria, other than the criteria for allocation of funds set forth in the State plan pursuant to §§ 102.53 through 102.56, which the State board will use in determining the relative priorities of local applications for the purpose of allocating funds; and

(3) A description of the method by which the State board will use the criteria set forth in the State plan pursuant to subparagraph (2) of this paragraph and §§ 102.53 through 102.56, including an explanation of how it will weigh their relative importance in reaching allocation decisions.

§ 102.53 Manpower needs and job opportunities.

(a) In allocating funds among local educational agencies, the State board shall give due consideration to information regarding current and projected manpower needs and job opportunities, particularly new and emerging manpower needs and opportunities on the local, State, and national levels.

(b) In complying with paragraph (a) of this section, the State board shall give particular consideration to those vocational education programs which are best designed to (1) fulfill current or projected manpower needs in existing occupations at the local level by preparing students for current or projected job opportunities in such occupations, or (2) fulfill new and emerging manpower needs at the local, State, and national levels by preparing students for new and emerging job opportunities at such levels.

(c) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board will identify current and projected manpower needs and job opportunities, particularly new and emerging needs and opportunities, on the local, State, and national levels;

(2) What use will be made of the information on manpower needs and job opportunities in the long-range program plan submitted pursuant to § 102.33;

(3) What use will be made of the results of the periodic evaluations referred to in § 102.36;

(4) What use will be made of information obtained through cooperative

arrangements entered into pursuant to § 102.40; and

(5) What other information will be relied upon in identifying manpower needs and job opportunities, how it will be obtained, and how often it will be updated.

§ 102.54 Differences in vocational education needs.

(a) In allocating funds among local educational agencies, the State board shall give due consideration to the relative vocational education needs of all the population groups referred to in § 102.51 (a) in all geographic areas and communities in the State, particularly disadvantaged persons, handicapped persons, and unemployed youth.

(b) In weighing the relative vocational education needs of the State's various population groups, the State board shall give particular consideration to additional financial burdens (other than those which are to be considered pursuant to § 102.56(b)) which may be placed upon certain local educational agencies by the necessity of providing vocational education students, particularly disadvantaged or handicapped students, with special education programs and services such as compensatory or bilingual education, which are not needed in areas or communities served by other local educational agencies in the State.

(c) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board will identify the vocational education needs, including the need for special education programs and services referred to in paragraph (b) of this section, which must be met by each local educational agency in the State;

(2) What use will be made of the information on vocational education needs in the long-range program plan submitted pursuant to § 102.33;

(3) What use will be made of the results of the periodic evaluations referred to in § 102.36; and

(4) What other information will be relied upon in identifying vocational education needs, how it will be obtained, and how often it will be updated.

§ 102.55 Relative ability to provide resources.

(a) In allocating funds among local educational agencies supported in whole or in part with local tax revenues, the State board shall give due consideration to their relative ability to provide the resources necessary to meet the vocational education needs in the areas or communities served by such agencies.

(b) In determining the relative priority of local educational agencies in terms of their ability to provide the resources referred to in paragraph (a) of this section, local educational agencies serving areas which the State board has designated as economically depressed or high unemployment areas pursuant to § 102.45 shall be given priority over local educational agencies not serving such areas. Within these two classes of local educational agencies, relative ability to provide such resources may be determined by comparing the wealth of the areas or communities served by each of these agencies in relation to the number of students each is educating (see paragraph (c) of this section), or by comparing the per capita incomes of the areas served by each local educational agency, or by some similar measure which the State board considers fair and equitable to all local educational agencies concerned.

(c) If the State board compares the "wealth per students" of local educational agencies in order to determine their relative ability to provide the resources referred to in paragraph (a) of this section, local wealth may be measured by reference to the equalified assessed value of taxable property in the area served by the agency, or the total taxable income of residents in the area served by the agency, or by any similar method which reasonably measures a local educational agency's ability to provide such resources. "Wealth per student" may then be determined by dividing the figure representing the wealth of the local educational agency by the total number of students that agency educates.

(d) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board determines the relative priority of local educational agencies in terms of their ability to provide the resources referred to in paragraph (a) of this section;

(2) What information is to be relied upon in making this determination; and

(3) What the sources of this information are and how often it is updated.

§ 102.56 Relative costs of programs, services, and activities.

(a) In allocating funds among local educational agencies, the State board shall give due consideration to the cost of the programs, services, and activities these local educational agencies provide which is in excess of the cost which may be normally attributed to the cost of education in such local educational agencies.

(b) In determining the relative priority of local educational agencies in terms of costs of education, the State board shall give primary consideration to:

(1) Differences in the cost to local educational agencies of materials and services, such as construction or equipment costs or teachers' salaries, which are due to variations in price and wage levels or other economic conditions existing in the areas served by the local educational agencies; and

(2) Differences in the amount of excess costs accruing to local educational agencies because of the need for supplying special services (other than those necessary to meet the special vocational education needs of certain population groups, such as disadvantaged or handicapped persons, to be considered pursuant to § 102.54), such as bus transportation for students, or unusual and excessive maintenance costs for outdated buildings and facilities, which are not usually part of the cost of education provided by other local educational agencies in the State.

(c) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board determines the relative priority of local educational agencies in terms of costs of education;

(2) What kind of information is to be relied upon in making this determination; and

(3) What the sources of this information are and how often it is updated.

§ 102.57 Reasonable tax effort.

(a) In apportioning funds among local educational agencies supported in whole or in part with local tax revenues, the State board shall assure that no local educational agency which is making a reasonable tax effort, as determined pursuant to paragraphs (b) and (c) of this section, will be denied funds for establishing new vocational education programs solely because it is unable to pay the non-Federal share of the cost of such programs.

(b) For purposes of this section, the tax effort of a local educational agency shall be represented by the ratio between the total annual local tax revenues available to the local area or community served by the agency and the total wealth of such area or community (calculated on the basis of the equalized assessed value of real property, income, or similar measures, as appropriate). In computing local tax effort each State may use whatever means, including reference to an existing tax effort index, it considers fair and equitable to all local educational agencies in the State.

(c) A local educational agency's tax effort may be considered reasonable whenever it is at least equal to the average local tax effort in the State. The average local tax effort in the State shall be represented by the ratio between total annual local tax revenues in the State and total aggregate wealth in the State. However, in States where local educational agencies have been divided into different legal classifications with different taxing authorities, the State may choose to determine the reasonableness of a local educational agency's tax effort by comparing it with the average tax effort of local educational agencies of the same legal class rather than with the overall average local tax effort in the State.

(d) The State plan shall describe in detail the manner in which the State

board assures that paragraph (a) of this section will be complied with in allocating funds among local educational agencies. This description shall include a statement of—

(1) How local tax effort and how each of the factors used in computing local tax effort (e.g., local revenues and local wealth) are measured;

(2) How often the data concerning local revenues and local wealth are updated, or, in the case of States which compile and rely upon a tax effort index, how often the index is updated;

(3) The level of local tax effort which the State board shall consider reasonable and which meets the minimum requirement in the first sentence of paragraph (c) of this section; and

(4) Whether the reasonableness of local tax effort is to be determined by comparing it with the average local tax effort in the State or with the average tax effort of local educational agencies in the same legal class.

§ 102.58 Maintenance of effort.

(a) The State plan shall provide assurance that Federal funds made available under part B of the Act will not supplant State or local funds, but will be so used as to supplement and, to the extent practical, increase the amount of State and local funds that would in the absence of such Federal funds be made available for all of the purposes set forth in section 122(a) of the Act, and for each of the purposes set forth in section 122(a)(2), section 122(a)(4)(A), and section 122(a)(4)(B) of the Act, so that all persons in all communities of the State will as soon as possible have ready access to vocational education suited to their needs, interests, and ability to benefit therefrom.

(b) The State plan shall also provide that no payments of Federal funds under the Act will be made in any fiscal year to any local educational agency unless the State board finds that the combined fiscal effort of that agency and the State with respect to the provision of vocational education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year. For the purpose of this paragraph, "combined fiscal effort" means total expenditures of State and local funds with respect to the provision of vocational education by the local educational agency. A combined fiscal effort in the preceding fiscal year shall not be deemed to be a reduction from that in a second preceding fiscal year unless the per student expenditure for vocational education and ancillary services and activities from State and local funds in the preceding fiscal year is less than that in the second preceding fiscal year by more than 5 percent. Any such reduction in combined fiscal effort for any fiscal year by more than 5 percent will disqualify a local educational agency unless the local educational agency is able to demonstrate to the satisfaction of the State board that such a reduction was occasioned by unusual circumstances that could not have been fully anticipated or reasonably compensated for by the local educational agency and that the fiscal effort of the local educational agency does not otherwise indicate a diminished fiscal effort. Such unusual circumstances may include in the first preceding fiscal year unforeseen decreases in revenues due to the removal of a large segment of property from the tax rolls or other causes, or transfers to, or combinations with, other local educational agencies of responsibility for the conduct of some or all vocational education activities or services; or, in the second preceding fiscal year, contributions of large sums of money from outside sources on a short-term basis, or unusually large amounts of funds expended for such long-term purposes as the construction and acquisition of school facilities or the acquisition of equipment.

§ 102.59 Percentage requirements with respect to uses of Federal funds.

(a) *Application of percentage requirements.* The State plan shall provide that allocations of Federal funds pursuant to § 102.52 shall comply with the following requirements with respect to the use of Federal funds:

(1) *Vocational education for disadvantaged persons.* At least 15 percent of the total allotment for any fiscal year to a State of funds appropriated under section 102(a) of the Act, or 25 percent of that portion of the State's allotment which is in excess of its base allotment, whichever is greater, shall be used only for vocational education for disadvantaged persons.

(2) *Postsecondary vocational education.* At least 15 percent of the total allotment for any fiscal year to a State of funds appropriated under section 102(a) of the Act, or 25 percent of that portion of the State's allotment which is in excess of its base allotment, whichever is greater, shall be used only for post-secondary vocational education.

(3) *Vocational education for handicapped persons.* At least 10 percent of the total allotment for any fiscal year to a State of funds appropriated under section 102(a) of the Act shall be used only for vocational education for handicapped persons.

(b) *Definition of base allotment.* As used in this section, the term "base allotment" means the sum of the allotments to a State for fiscal year 1969 from sums appropriated under (1) section 2 or the Vocational Education Act of 1963 before its amendment by the Vocational Education Amendments of 1968 (20 U.S.C. 35–35n), (2) the Smith-Hughes Act (20 U.S.C. 11–15–16–28), (3) the Vocational Education Act of 1946 (20 U.S.C. 15i–15m, 15o–15q, 15aa–15jj, 15 aaa–15ggg), and (4) the Act of March 3, 1931, relating to vocational education in Puerto Rico (20 U.S.C. 30), the Act of March 18, 1950, relating to vocational education in the Virgin Islands (20 U.S.C. 31–33), section 9 of the Act of August 1, 1956, relating to vocational education in Guam (20 U.S.C. 34), and section 2 of the Act of September 25, 1962, relating to vocational education in American Samoa (48 U.S.C. 1667).

(c) *Waiver of percentage requirements.* The percentage requirements in subparagraphs (1) and (2) of paragraph (a) of this section may be waived for any State by the Commissioner for any fiscal year upon his finding that the requirements impose a hardship or are impractical in their application with respect to that State. Such a finding will be made only upon the request of the State submitted through its State board as a part of its annual program plan or amendment thereto.

(d) *Vocational education meeting more than one percentage requirement.* If an expenditure for vocational education falls within more than one of the categories for which there is a percentage requirement, the total amount of the expenditure may be counted as an expendtiure for vocational education in one of the categories, or prorated to each of the categories in any manner which the State board deems reasonable and proper so long as the aggregate amount prorated to the categories in which the expenditure falls does not exceed the total amount of the expenditure.

§ 102.60 Content of local applications.

(a) Applications from local educational agencies shall include the following:

(1) A description of the proposed programs, services, and activities (including evaluation activities) for which funds under the State plan are being requested;

(2) A justification of the amount of Federal and State funds requested, and information on the amounts and sources of other funds available for the programs, services, and activities;

(3) Information indicating that the application has been developed in consultation with the educational and training resources available in the area to be served by the applicant local educational agency;

(4) Information indicating that the programs, services, and activities proposed in the application will make substantial progress toward preparing the persons to be served for a career;

(5) A plan, extending 5 years from the date of the application, for meeting the vocational education needs of potential students in the area or community to be served by the local educational agency, which plan shall be related to the comprehensive area manpower plan, if any, in that area; and

(6) Information indicating the means by which the programs, services, and activities proposed in the application will make substantial progress toward meeting the needs set forth in the application pursuant to subparagraph (5) of this paragraph.

(b) The application shall also contain such other information as may be required by the State board in determining allocations of funds pursuant to §§ 102.51 and 102.52, and in determining whether the programs, services, and activities proposed therein will otherwise meet all other applicable requirements

in the Act, the regulations in this part, and the State plan.

(c) The State plan shall describe in detail the information which the State board will require local applications to contain in order to meet the requirements of paragraphs (a) and (b) of this section.

VOCATIONAL EDUCATION PROGRAMS FOR THE DISADVANTAGED

§ 102.64 State plan provisions—general.

Funds appropriated under section 102 (b) of the Act and allotted to States for the purpose of section 122(a)(4)(A) of the Act may be used only for vocational education programs for disadvantaged persons. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to vocational education programs for the disadvantaged assisted with funds under section 102(b) of the Act. In addition, §§ 102.65 through 102.67 require inclusion in the State plan of certain provisions specifically applicable to such programs for the disadvantaged.

§ 102.65 Areas of allocation.

The State plan shall provide that allotments made to the State from sums appropriated under section 102(b) of the Act will be allocated within the State to vocational education programs for disadvantaged persons located in areas of the State with a high concentration of youth unemployment or school dropouts, as determined pursuant to § 102.46.

§ 102.66 Participation of students in private nonprofit schools.

The State plan shall set forth the policies and procedures to be followed in vocational education programs or projects for disadvantaged persons approved and funded under section 102(b) of the Act which assure that, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which such a program or project is designed to meet, provision has been made for the participation of such students in accordance with the requirements in § 102.7.

§ 102.67 Noncommingling of funds.

The State plan shall set forth the policies and procedures to be followed in vocational education programs or projects for disadvantaged persons approved and funded under section 102(b) of the Act which assure that funds from Federal sources used to accommodate students in nonprofit private schools pursuant to § 102.66 will not be commingled with State or local funds so as to lose their identity as funds from Federal sources. In developing such policies and procedures, it shall not be necessary to require separate bank accounts for funds from Federal sources, so long as accounting methods will be established which assure that expenditures of such funds can be separately identified from other expenditures.

VOCATIONAL EDUCATION RESEARCH AND PERSONNEL TRAINING

§ 102.70 State plan provisions—general.

(a) Funds available to the State board pursuant to section 131(b) of part C of the Act shall be used for the establishment and operation of the State research coordination unit; and for making grants to any college, university, local educational agency, or other public or nonprofit private agency or institution, and entering into contracts with any private agency, organization, or institution, for—

(1) Vocational education research and personnel training programs;

(2) Developmental, experimental, or pilot programs developed by such institutions and agencies and designed to meet the special vocational needs of youths, particularly disadvantaged youths in economically depressed communities as determined pursuant to § 102.45; and

(3) The dissemination of information derived from the foregoing programs or from research and demonstrations in the field of vocational education, such as those reported in products of the Educational Resources Information Center (ERIC) and related agencies.

(b) The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to programs and activities assisted with Federal funds under section 131(b) of the Act. In addition, §§ 102.71 through 102.73 require the inclusion in the State plan of certain provisions specifically applicable to such programs and activities.

§ 102.71 State research coordination unit.

(a) The State plan shall provide for the establishment or designation in the State of a State research coordination unit. The State plan shall indicate the name of the unit and shall describe its staff, organization, and functions with respect to vocational education research and personnel training programs, developmental, experimental, or pilot programs, and dissemination activities.

(b) In describing the organization of the unit the State plan shall indicate the place of the unit in the organizational structure of the State government and the relationship of the unit with other State board units and other State agencies and institutions responsible for conducting programs of vocational education research and dissemination. When the functions of the research coordination unit are carried out by an agency or institution other than the State board, the State plan shall provide for cooperatively developed written agreements between the State board and the agency or institution which is carrying out such functions.

§ 102.72 Application procedures.

(a) *Submittal of applications.* The State plan shall describe the policies and procedures to be followed in submitting applications to the State board for grants and contracts under part C of the Act. Such policies and procedures will assure that—

(1) Applications will describe the nature, duration, purpose, and plan of the project, the use to be made of the results in regular programs of vocational education, the qualifications of the personnel staff who will be responsible for the program or project, a justification of the amount of grant or contract funds requested, the portion of the cost to be borne by the applicant, and such other pertinent information as the State board may require; and

(2) Applications will be executed and submitted to the State board by an individual authorized to act for the applicant.

(b) *Review of applications.* The State plan shall describe the policies and procedures to be used by the State board in reviewing applications for grants and contracts which have been recommended by the State research coordination unit or the State advisory council. Such policies and procedures shall assure that the applications will be reviewed in terms of such pertinent factors as—

(1) Relevance to priority areas in vocational education specified in the long-range program plan and to vocational education programs, services, and activities described in the annual plan;

(2) Adequacy and competence of personnel designated to carry out the program or project;

(3) Adequacy of facilities;

(4) Reasonableness of cost estimates;

(5) Expected potential of the proposed program or project being made a part of the regular vocational education program; and

(6) The expected potential for utilizing the results of the proposed program or project in exemplary or regular vocational education programs.

(c) *Action on applications.* The State plan shall describe the policies and procedures to be followed by the State board in acting on applications. Such policies and procedures shall assure that the State board will—

(1) Either (i) approve the application in whole or in part, (ii) disapprove the application, or (iii) defer action on the application for such reasons as lack of funds or a need for further evaluation;

(2) Provide that any deferral or disapproval of an application will not preclude its reconsideration or resubmission;

(3) Notify the applicant in writing of the disposition of the application; and

(4) Include, in the award letter for any State board grant or contract award, the approved budget and grant or contract award conditions which the applicant will accept in accordance with State law.

§ 102.73 Notification to Commissioner.

The State plan shall provide that, within 15 days after the State board's approval of a grant or contract, the State board shall forward to the Commissioner an information copy of the approved proposal for which the grant or contract was made.

EXEMPLARY PROGRAMS AND PROJECTS

§ 102.76 State plan provisions—general.

(a) In order to stimulate, through Federal financial support, new ways to create a bridge between school and earning a living for young people who are still in school, who have left school either by graduation or by dropping out, or who are in postsecondary programs of vocational preparation, and to promote cooperation between public education and manpower agencies, funds available to the State board pursuant to section 142(d) of part D of the Act may be used for making grants or contracts to develop, establish, and operate exemplary and innovative occupational programs or projects which are designed to broaden occupational aspirations and opportunities for youths, particularly disadvantaged youths, and to serve as models for use in vocational education programs. Such programs or projects may, among others, include—

(1) Those designed to familiarize elementary and secondary school students with the broad range of occupations for which special skills are required and the requisites for careers in such occupations;

(2) Programs or projects for students providing educational experiences through work during the school year or in the summer;

(3) Programs or projects for intensive occupational guidance and counseling during the last years of school and for initial job placement;

(4) Programs or projects designed to broaden or improve vocational education curriculums;

(5) Exchanges of personnel between schools and other agencies, institutions, or organizations participatnig in activities to achieve the purposes of this part, including manpower agencies and industry;

(6) Programs or projects for young workers released from their jobs on a part-time basis for the purpose of increasing their educational attainment; and

(7) Programs or projects at the secondary level to motivate and provide preprofessional preparation for potential teachers for vocational education.

(b) Grants for such programs or projects may be made to local educational agencies, or other public or nonprofiit private agencies, organizations, or institutions; and contracts for such programs and projects may be entered into with public or private agencies, organizations, or institutions, including business and industrial concerns.

(c) The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to exemplary programs and projects in vocational education assisted with funds under section 142(d) of the Act. In addition, §§ 102.77 through 102.81 require the inclusion in the State plan of certain provisions specifically applicable to such programs and projects.

§ 102.77 Application procedures.

(a) *Submittal of applications.* The State plan shall describe the policies and procedures to be required by the State board in submitting applications to it for grants and contracts under part D of the Act for exemplary programs and projects meeting the requirements of §§ 102.78 through 102.80. Such policies and procedures shall assure that—

(1) Applications will describe the nature, duration, purpose, and plan of the project, the use to be made of the results in regular programs of vocational education, the qualifications of the personnel staff who will be responsible for the program or project, a justification of the amount of grant or contract funds requested, the portion of the cost (if any) to be borne by the applicant, and such other pertinent information as the State board may require; and

(2) Applications will be executed and submitted to the State board by an individual authorized to act for the applicant.

(b) *Review of applications.* The State plan shall describe the policies and procedures to be used by the State board in reviewing applications for grants and contracts. Such policies and procedures shall assure that the applications will be reviewed in terms of such pertinent factors as—

(1) Impact on meeting vocational education needs of disadvantaged youth;

(2) Impact on reducing youth unemployment;

(3) Extent to which the project promotes cooperation between public education and manpower agencies;

(4) Relevance to priority areas in vocational education specified in the long-range program plan and to vocational education programs, services, and activities described in the annual plan;

(5) Adequacy and competence of personnel designated to carry out the program or project;

(6) Adequacy of facilities;

(7) Reasonableness of cost estimates;

(8) Expected potential of the proposed program or project being made a part of the regular vocational education program;

(9) Extent to which the project is of sufficient scope and duration to make a significant contribution to vocational education; and

(10) Adequacy of project evaluation plans.

(c) *Action on applications.* The State plan shall describe the policies and procedures to be followed by the State board in acting on applications. Such policies and procedures shall assure that the State board will—

(1) Either (i) approve the application in whole or in part, (ii) disapprove the application, or (iii) defer action on the application for such reasons as lack of funds or a need for further evaluation;

(2) Provide that any deferral or disapproval of an application will not preclude its reconsideration or resubmission;

(3) Notify the applicant in writing of the disposition of the application; and

(4) Include, in the award letter for any State board grant or contract award, the approved budget and grant or contract award conditions which the applicant will accept in accordance with State law.

§ 102.78 Coordination with other programs.

The State plan shall provide that grants or contracts for exemplary programs or projects under part D of the Act will be made only if the State board determines, on the basis of information in the application, that effective procedures will be followed by grantees and contractors to assure that the planning, development, and operation of such programs and projects are coordinated with other programs and projects carried out under grants or contracts pursuant to this part and with other publicly and privately operated programs having the same or similar purpose as such programs or projects, such as those supported under titles I and III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. ch. 24).

§ 102.79 Participation of students in private nonprofit schools.

The State plan shall set forth the policies and procedures to be followed with respect to grants or contracts for exemplary programs or projects approved and funded under part D of the Act which assure that, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which such a program or project is designed to meet, provision has been made for the participation of such students in accordance with the requirements in § 102.7.

§ 102.80 Noncommingling of funds.

The State plan shall set forth the policies and procedures to be followed with respect to grants or contracts for exemplary programs or projects approved and funded under part D of the Act which assure that funds from Federal sources will not be commingled with State or local funds so as to lose their identity as such. In developing such policies and procedures, it shall not be necessary to require separate bank accounts for funds from Federal sources, so long as accounting methods will be established which assure that expenditures of such funds can be separately identified from other expenditures.

§ 102.81 Notification to Commissioner.

The State plan shall provide that, within 15 days after the State board's approval of a grant or contract, the State board shall forward to the Commissioner an information copy of the approved proposal for which the grant or contract was made.

CONSUMER AND HOMEMAKING EDUCATION

§ 102.91 State plan provisions—general.

Funds allotted to the States for the purpose of part F of the Act may be used for consumer and homemaking programs, and for ancillary services and activities to assure quality in such programs. The State plan requirements set

forth in §§ 102.31 through 102.46 are also applicable to consumer and homemaking education programs assisted under part F of the Act. In addition, §§ 102.92 and 102.93 require the inclusion in the State plan of certain provisions specifically applicable to such programs.

§ 102.92 Procedures for establishing and operating consumer and homemaking programs.

The State plan shall describe the policies and procedures to be followed by the State for the establishing and operating of consumer and homemaking programs which meet the requirements in § 102.93 and which are administered either directly by the State board or by local educational agencies pursuant to applications approved by the State board. Such description shall include:

(a) The procedures to be followed by the State board in initiating and undertaking consumer and homemaking programs over which it will have direct administrative responsibility;

(b) The procedures to be followed by the State board in receiving, reviewing, and acting upon local applications for allocation of funds to such programs; and

(c) An assurance that at least one-third of the Federal funds allotted to the State under part F of the Act shall be used for consumer and homemaking programs in economically depressed areas or areas with high rates of unemployment, as determined pursuant to § 102.45.

§ 102.93 Requirements.

The State plan shall provide that the State board will approve a consumer and homemaking program only it is meets the following requirements:

(a) The program will encourage greater consideration to the social and cultural conditions and needs, especially in economically depressed areas;

(b) The program will encourage preparation for professional leadership in home economics and consumer education;

(c) The program will be designed for youth and adults who have entered or are preparing to enter the work of the home;

(d) The program will be designed to prepare such youth and adults for the role of homemaker or to contribute to their employability in the dual role of homemaker and wage earner; and

(e) The program will include consumer education as an integral part thereof.

§ 102.94 Ancillary services and activities.

In addition to the general provisions in the State plan with regard to State administration and leadership pursuant to § 102.35, program evaluation pursuant to § 102.36 and teacher training pursuant to § 102.38(b), the State plan shall describe its procedures for providing or making arrangements for the provision of the other ancillary services and activities necessary to assure quality in all consumer and homemaking education programs, such as curriculum development, research, special demonstration and experimental programs, development of instructional materials, and provision of equipment.

COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

§ 102.96 State plan provisions—general.

In order to prepare young people for employment through (a) providing meaningful work experience combined with formal education enabling students to acquire knowledge, skills, and appropriate attitudes, (b) removing the artificial barriers which separate work and education, and (c) involving educators with employers, creating interaction whereby the needs and problems of both are made known, thereby making it possible for occupational curricula to be revised to reflect current needs in various occupations, funds allotted to the States for the purpose of part G of the Act may be used for the expansion of cooperative vocational education programs, and for ancillary services and activities which are necessary to assure quality in such programs. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to cooperative vocational education programs assisted under part G of the Act. In addition, the State board shall include provisions in its State plan for the establishment of cooperative vocational education programs through local educational agencies, with participation of public and private employers, as required by §§ 102.97 through 102.104.

§ 102.97 Approval of cooperative vocational education programs.

The State plan shall describe the policies and procedures to be followed by the State board in receiving, reviewing, and approving applications for the development and operation of cooperative vocational education programs submitted by local educational agencies which meet the requirements of § 102.98. Such description shall—

(a) Set forth the principles for determining the priority to be accorded applications from local educational agencies for cooperative vocational education programs, with preference being given to applications submitted by local educational agencies serving areas of high concentrations of youth unemployment or school dropouts, as determined pursuant to § 102.46; and

(b) Provide, insofar as financial resources are available, for the undertaking of programs in the order determined by the application of such principles.

§ 102.98 Requirements of cooperative vocational education programs.

The State plan shall provide that the State board will approve a cooperative vocational education program only if it meets the following requirements:

(a) *Purpose.* The program meets the definition of a cooperative vocational education program in § 102.3(g), and will be administered by the local educational agency with the participation of public or private employers providing on-the-job training opportunities that would not otherwise be available.

(b) *On-the-job training standards.* The program provides on-the-job training that (1) is related to existing career opportunities susceptible of promotion and advancement, (2) does not displace other workers who perform such work, (3) employs and compensates student-learners in conformity with Federal, State, and local laws and regulations and in a manner not resulting in exploitation of the student-learner for private gain; and (4) is conducted in accordance with written training agreements between local educational agencies and employers, copies of which shall be submitted to the State for filing with the local application.

(c) *Other requirements.* The program will be carried out in a manner consistent with the provisions set forth in the State plan pursuant to §§ 102.99 through 102.104.

§ 102.99 Identification of jobs.

The State plan shall provide that cooperative vocational education programs will be approved only if the State board determines, on the basis of information in local applications, that necessary procedures have been established for cooperation with employment agencies, labor groups, employers, and other community agencies in identifying suitable jobs for persons who enroll in cooperative vocational education programs.

§ 102.100 Additional costs to employers and students.

(a) *Additional costs to employers.* The State plan shall set forth the policies and procedures which the State board will require local educational agencies with approved cooperative vocational education programs to follow in determining the added costs to employers for on-the-job training of students, and shall identify the categories of eligible costs for reimbursement to employers. Such policies and procedures shall be designed to assure—

(1) That the payment of added employer costs will be made only when it is apparent that, without such reimbursement, employers will not be able to provide quality on-the-job training;

(2) That such added employer costs will include only that part of the compensation of students which represents the difference between the compensation to be paid and the fair dollar value of services rendered by the student, as determined by negotiation between local educational agencies and employers;

(3) That such added employer costs will not include the cost of construction of facilities, purchases of equipment, and other capital costs which would inure to the benefit of employers; and

(4) That such added employer costs shall be set forth in training agreements required by § 102.98(b)(4), identifying and justifying the cost factors applied, the amount of funds to be paid, and the duration of reimbursement.

(b) *Costs to students.* The State plan shall set forth policies and procedures which the State board will require local

educational agencies with approved vocational education programs to follow in reimbursing students or paying on behalf of students unusual costs resulting from their participation in a cooperative vocational education program. The State plan shall also identify such costs, and shall specify when and under what circumstances payments for such costs will be made either to the student as reimbursement or directly to a vendor as payment for goods and services. Such policies and procedures will be designed to assure that payments will be made only for those costs which—

(1) Are not usually required of students preparing for the field of employment for which cooperative vocational education is being provided, such as, special tools, equipment and clothing, transportation, and safety and other protective devices; and

(2) Do not have the effect of underwriting personal obligations and expenses which students in similar circumstances are usually expected to assume.

§ 102.101 Participation of students in nonprofit private schools.

The State plan shall set forth the policies and procedures to be followed in cooperative vocational education programs approved and funded under part G of the Act which assure that, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which such a program is designed to meet, provision has been made for the participation of such students in accordance with the requirements of § 102.7.

§ 102.102 Noncommingling of funds.

The State plan shall set forth the policies and procedures to be followed in cooperative vocational education programs approved and funded under part G of the Act which assure that funds from Federal sources will not be commingled with State or local funds so as to lose their identity as such. In developing such policies and procedures, it shall not be necessary to require separate bank accounts for funds from Federal sources, so long as accounting methods will be established which assure that expenditures of such funds can be separately identified from other expenditures.

§ 102.103 Evaluation and follow-up procedures.

The State plan shall set forth the policies and procedures which the State board will require local educational agencies with approved cooperative vocational education programs to follow in providing for continuous supervision and evaluation of on-the-job training programs and for followup of students who have participated in such programs.

§ 102.104 Ancillary services and activities.

In addition to the general provisions in the State plan with regard to State administration and leadership pursuant to § 102.35, program evaluation pursuant to § 102.36, and teacher training pursuant to § 102.38(b), the State plan shall describe its procedures for providing or making arrangements for the provisions of other ancillary services necessary to assure quality in all cooperative vocational education programs, such as preservice and inservice training of teacher coordinators and development of instructional materials.

WORK-STUDY PROGRAMS FOR VOCATIONAL EDUCATION STUDENTS

§ 102.110 State plan provisions—general.

Funds allotted to the States for the purpose of part H of the Act may be used for work-study programs for vocational education students, and for the development and administration of that part of the State plan applicable to such programs. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to the vocational education work-study program assisted with Federal funds under part H of the Act. In addition, §§ 102.111 through 102.113 require inclusion in the State plan of certain provisions specifically applicable to such programs.

§ 102.111 Policies and procedures for approval of work-study programs.

The State plan shall describe the policies and procedures to be followed by the State board in receiving, reviewing, and approving work-study programs submitted by local educational agencies which meet the requirements of § 102.112. Such description shall:

(a) Set forth principles for determining the priority to be accorded applications from local educational agencies for work-study programs, giving preference to applications submitted by local educational agencies serving communities with high concentrations of youth unemployment or school dropouts, as determined pursuant to § 102.46; and

(b) Provide, insofar as financial resources are available, for the undertaking of such programs in the order determined by the application of such principles.

§ 102.112 Requirements of work-study programs.

The State plan shall provide that the State board will approve a work-study program only if it meets the following requirements:

(a) *Administration.* The work-study program will be administered by the local educational agency and made reasonably available (to the extent of available funds) to all qualified youths in the area served by such agency who are able to meet the requirements in paragraph (b) of this section.

(b) *Eligible students.* Employment under the work-study program will be furnished only to a student who (1) has been accepted for enrollment or, if he is already enrolled, is in good standing and in full-time attendance in a program which meets the standards prescribed by the State board and the local educational agency for vocational education programs under the Act; (2) is in need of the earnings from such employment to commence or continue his vocational education program; and (3) is at least 15 years of age and less than 21 years of age at the date of the commencement of employment and is capable in the opinion of the appropriate school authorities of maintaining good standing in his school program while employed under the work-study program.

(c) *Limitation on hours and compensation.* (1) No student will be employed during an academic year or its equivalent for more than 15 hours in any week during which classes in which he is enrolled are in session. The compensation for such employment will not exceed $45 per month or $350 per academic year or its equivalent. However, in the case of a student attending a school which is not within reasonable commuting distance from his home, his compensation may not exceed $60 in any month or $500 per academic year or its equivalent. For the purposes of this paragraph, "academic year" means a period of 9 months (exclusive of the summer term) interrupted by the equivalent of 1 month of vacation.

(2) A student attending a class on a full-time basis in the summer school term shall be limited to 15 hours of employment per week and the monthly compensation of $45 or $60 as described in paragraph (1). If the student is not attending classes during the summer, there is no limitation upon his hours of employment or the amount of compensation which he may earn. The total of his summer earnings shall not be limited by, or have the effect of limiting the compensation paid to him for the academic year pursuant to paragraph (1).

(d) *Employment for public agency or institution.* Employment under work-study programs will be for the local educational agency or for some other public agency or institution (Federal, State, or local) pursuant to a written arrangement between the local educational agency and such other agency or institution, and work so performed will be adequately supervised and coordinated and will not supplant present employees of such agency or institution who ordinarily perform such work. In those instances where employment under work-study programs is for a Federal agency or institution, the written arrangement between the local educational agency and the Federal agency or institution will state that students so employed are not Federal employees for any purpose.

(e) *Maintenance of effort.* In each fiscal year during which a work-study program remains in effect, the local educational agency will expend for employment of its students an amount in State or local funds that is at least equal to the average annual expenditure for work-study programs of a similar nature during the 3 fiscal years preceding the fiscal year in which the work-study program of such local educational agency was approved.

§ 102.113 Use of funds for State plan development and administration.

The State plan shall provide that the amount of Federal funds used to pay the cost of developing those provisions in the State plan applicable to work-study programs and the cost of administering such provisions after their approval by the Commissioner will not exceed 1 percent of the State's allotment under part H of the Act for vocational work-study programs, or $10,000, whichever is greater.

Subpart D—Federal Financial Participation

General

§ 102.121 Application of Federal requirements.

Federal funds may be used to share only in expenditures which are made in accordance with the State plan and which meet the requirements of the Act and the regulations in this part. State and local funds used to match the Federal funds must also meet such requirements. As used in these regulations, phrases such as "expenditures may be made under the plan * * *" or "funds may be expended * * *" mean that the Federal allotments are available for payment of the Federal share thereof during the applicable period specified in § 102.123(a).

§ 102.122 Effective date of allowable expenditures under State plan.

(a) Except with respect to expenditures for development of State plans pursuant to §§ 102.142 and 102.143, and as provided in paragraph (b) of this section, Federal financial participation under the Act shall be available only with respect to amounts expended after the effective date of the State plan, which shall be the date on which the State plan is submitted in substantially approvable form, but in no case earlier than July 1 of the fiscal year for which it is submitted.

(b) In fiscal year 1970, the effective date of that part of the State plan applicable to programs, services, and activities under part B of the Act shall be the date established by the Commissioner after his review of the State plan but in no case earlier than July 1, 1969.

§ 102.123 Allotment availability.

(a) Funds allotted to States under the Act for each fiscal year shall be available for use by State boards and local educational agencies only during such fiscal year, except that the following allotments shall also be available for use during the succeeding fiscal year:

(1) Funds allotted to States from appropriations under section 102(a) of the Act for each fiscal year for the purposes of parts B and C of the Act and which are either transferred to other allotments pursuant to § 102.156 or reallotted to other States pursuant to § 102.157;

(2) Funds allotted to States from appropriations under section 102(b) of the Act for each fiscal year for vocational education for the disadvantaged and which are reallotted to other States pursuant to § 102.157; and

(3) Funds allotted to States under part D of the Act.

(b) A use of funds under parts C and D of the Act for grants or contracts for programs or projects shall be the awarding of such grants or contracts by the State board. Otherwise, a use of funds under the Act by a State board or local educational agency shall be determined as that prescribed by State and local laws and regulations which govern the allocation of uses of State and local funds to a particular time period (such as a fiscal year or biennium); or, if there is no State or local law governing a particular use of funds, a basis which is not inconsistent with State and local laws, rules, regulations, and customs. The State plan shall indicate precisely the acts or occurrences necessary to charge the use of funds to a particular time period for personal services, utilities, travel, acquisition, and rental of facilities and equipment, and the construction of facilities. If the State board or local educational agency uses other than a cash basis of accounting, the State plan shall indicate the time period or other factors governing the incurring and liquidating of obligations. If the State board or local educational agency uses an accounting basis in connection with construction which results in the charging of the cost of construction of school facilities to a date prior to that of entering into a construction contract, the State plan shall also indicate within which reasonable period of time after the date of charging the Federal allotment such construction contract must be entered into.

§ 102.124 Application of State rules.

Subject to the provisions and limitations of the Act and regulations in this part, Federal financial participation under the State plan shall be available only for expenditures made in accordance with applicable State and local laws, rules, regulations, and standards governing expenditures by the States and their political subdivisions, or agencies thereof.

§ 102.125 Payments by State boards to local educational agencies.

Payments may be made by the State board to local educational agencies for activities approved under the State plan in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

§ 102.126 Proration of costs.

Only costs attributable to the carrying out of the provisions of the State plan are allowable costs. To cover situations where an expenditure is only partly attributable to an eligible purpose or activity under the State plan or where an expenditure is attributable to two or more eligible purposes or activities, each State board and local educational agency shall maintain records, documented on an after-the-fact basis, to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, supplies, equipment, and construction.

§ 102.127 Adjustments.

The State board shall adjust its accounts, records, and reports to reflect refunds, credits, underpayments, or overpayments resulting from Federal or State administrative reviews and audits. Such adjustments shall be set forth in the State's financial reports filed with the Commissioner.

§ 102.128 Federal audits.

Audit agencies representing the Department will audit the State agency's program records available at the State board to determine whether the program funds have been properly accounted for and administered. Audit reports of the participating local educational agencies and the State review and other control procedures will be evaluated to determine the adequacy of information upon which to base the audit findings. Only where the available information is deemed to be inadequate will the auditor arrange, through the State board, to audit the records of the participating local educational agencies.

§ 102.129 Retention of records.

(a) *General rule.* The State board shall provide for keeping accessible and intact all (1) records identified as to individual program allotments to which they relate supporting claims for Federal grants or relating to the accountability of the State board or any local educational agency participating under the plan for the expenditure of such grants and matching funds; and (2) records supporting compliance and maintenance of effort and other requirements of the Act, the regulations in this part, and the State plan.

(b) *Time period.* Records referred to in paragraph (a) of this section shall be retained for 3 years after the close of the fiscal year in which the expenditure was made under the State plan; or, if a Federal audit has not occurred within 3 years, (1) for 5 years after the close of the fiscal year in which the expenditure was made under the State plan; or (2) until the State board is notified of the completion of the Federal audit, whichever is earlier.

(c) *Questioned expenditures.* The records involved in any claim or expenditure which has been questioned by the Federal audit shall be maintained until necessary adjustments have been made and the adjustments have been approved by the Commissioner.

§ 102.130 Disposition of facilities and equipment.

Whenever area vocational education school facilities or items of equipment, in which cost the Federal Government has participated, are no longer used for a purpose permitted under the Act, or are sold and the proceeds from such sale are not used for such a purpose, the Federal Government shall be credited with its proportionate share of the value of such facilities or equipment at the time of such diversion or sale, the value being determined on the basis of the sale price in the case of a bona fide sale or on the fair market value in the case

of discontinuance of use or diversion for other than vocational education purposes.

§ 102.131 Inventories.

Each State board and each local educational agency shall maintain inventories of items of equipment acquired by it with funds under the Act, and costing more than $200 per unit. These inventories shall be maintained at least until depreciation of such equipment results in a fair market value of less than $200 per unit or until its disposition in accordance with § 102.130. The records of inventories required by this section shall be subject to the records retention requirements of § 102.129.

§ 102.132 Federal share of expenditures under State plan.

The Federal share of expenditures incurred for the following purposes under the State plan and payable to the States from their allotments shall not exceed—

(a) 50 percent of State and local expenditures for State vocational education programs under part B of the Act except that the Federal share shall be:

(1) 100 percent for programs for the disadvantaged in areas of high concentration of youth unemployment and school dropouts under part B of the Act and financed with funds under section 102(b) of the Act; and

(2) 100 percent for all programs under part B of the Act undertaken in the Trust Territory of the Pacific Islands and in American Samoa;

(b) 75 percent of expeditures of State research coordination units under part C of the Act;

(c) 90 percent of expenditures for vocational education research and personnel training programs, developmental, experimental, and pilot programs, and dissemination activities under part C of the Act;

(d) 100 percent of expenditures for exemplary programs and projects under part D of the Act;

(e) 50 percent of expenditures for consumer and homemaking programs under part F of the Act except that the Federal share shall be 90 percent for such programs in economically depressed or high unemployment areas, as determined pursuant to § 102.45;

(f) 100 percent of expenditures for cooperative vocational education programs under part G of the Act; and

(g) 80 percent of expenditures for vocational work-study programs under part H of the Act.

§ 102.133 Non-Federal share of expenditures under State plan.

(a) *Amount.* The non-Federal share of State and local expenditures under the State plan shall be the difference between the Federal share meeting the requirements of § 102.132 and the total expenditures for the purposes for which the Federal share is paid.

(b) *Statewide application.* The non-Federal share of expenditures under the State plan may be on a statewide basis. It is not necessary that Federal funds be matched by non-Federal funds for each school, class, program, or activity or, in the case of funds allotted under part B, for each of the purposes in section 122(a) of the Act. Only the total expenditures from each allotment to the State (or portion thereof subject to the same Federal share percentage limitation) will be considered in determining the required non-Federal share of such expenditures.

(c) *Federal conditions and requirements.* The non-Federal share of expenditures under the State plan shall be made only for programs, services, and activities which meet all of the conditions and requirements of the Act, the regulations in this part, and the State plan. This means that every school, class, program, or activity supported in whole or in part by non-Federal funds required to match Federal funds must meet the same conditions and requirements as those supported by Federal funds.

(d) *Sources of non-Federal share.* (1) Except as provided in subparagraph (2) of this paragraph, the non-Federal share of expenditures under the State plan may come from any source other than Federal assistance for a specific purpose so long as such expenditures are made in furtherance of the purposes of the Act and do not inure to the personal benefit of any donor.

(2) The non-Federal share of expenditures under that part of the State plan relating to part B of the Act may come only from public funds at the State or local level. In addition to tax revenues and appropriated funds, such funds may include funds derived from donations by private organizations or individuals which are deposited in accordance with State or local law to the account of the State board or local educational agency without such conditions or restrictions on their use as would negate their character as public funds.

§ 102.134 Allowable expenditures for State vocational education programs and services.

(a) *General.* Funds appropriated under section 102(a) of the Act and allotted to States for the purposes of part B of the Act may be applied to expenditures in categories such as the following which are reasonably attributable to the vocational education programs, services, and activities described in § 102.51 (except construction):

(1) Salaries, wages, and other personnel service costs of permanent and temporary staff employees, members of advisory groups and consultants for the performance of services reasonably related to programs, services, and activities under the State plan, including (i) the costs of regular contributions of employers and employees to retirement, workmen's compensation, and other welfare funds, and (ii) payments for leave earned with respect to such services, including sabbatical or educational leave to the extent provided for in paragraph (b) of this section;

(2) Fees, tuition charges, or other payments for the education or training of employees whether or not on educational leave, while attending courses, workshops, conferences, or seminars, approved in advance by the State board for the benefit of programs, services, and activities under the State plan;

(3) Travel and transportation expenses to the extent provided in paragraph (c) of this section;

(4) Acquisition, maintenance (including insurance), and repair of equipment, supplies, teaching aids, and other materials to the extent provided for in paragraph (d) of this section;

(5) Rental of space to the extent provided for in paragraph (e) of this section;

(6) Production and acquisition of printed and published materials, including records, films, tapes, and other media material;

(7) Communications, utilities, and custodial services;

(8) Minor remodeling and alterations in previously completed building space; and

(9) Accident and liability insurance for trainees and employees to the extent that such insurance is otherwise provided for trainees and employees in similar programs and circumstances.

(b) *Sabbatical and educational leave.* (1) Funds used under the State plan for salaries paid to nonclerical employees under the State plan may include that part of the salary paid for time spent on (i) sabbatical leave, or (ii) educational or other leave needed to obtain additional education, training, or experience of benefit to programs, services, and activities under the State plan, provided in either case that such leave is in conformity with the policy of the employing board, agency, or institution applicable also to other employees of similar rank and grade.

(2) The fact that funds are used for the salary of an employee on such leave does not preclude Federal financial participation in the salary of the person employed to replace him, as long as the replacement is otherwise eligible.

(3) In the case of sabbatical leave earned by the employee on the basis of time of service, Federal financial participation will be based on the prorated portion of the employee's time that was given to programs, services, and activities under the State plan during the period in which the leave was earned.

(4) In the case of education or other leave not earned on the basis of time of service, Federal financial participation will be based on the relative benefit of such leave to programs, services, and activities under the State plan. Prorations required under this section will be made in accordance with the principles set forth in § 102.126.

(c) *Travel and transportation expenses.* Funds under the State plan may be used for travel and transportation expenses necessary for and attributable to programs, services, and activities under the State plan. Such expenses shall be in accordance with State laws and regulations as required in § 102.124, but in no case shall exceed the costs of transportation by common carrier, or in the absence of suitable transportation by common carrier, in excess of reasonable rates

established by the State for transportation by official or private conveyance. Included in allowable travel and transportation expenses are the following:

(1) Travel expenses of employees, advisory committee members, and other consultants whose personnel service costs are supported with funds under the State plan;

(2) Travel expenses of members of the State board;

(3) Transportation expenses of prospective teachers enrolled in an approved teacher-training program when they are sent to serve as student teachers in approved vocational education schools or classes so located as to require transportation expense;

(4) Transportation expenses of vocational education students which include only—

(i) Transportation for one round trip per semester or shorter period determined by the duration of the program from the student's home to the place where he will reside while enrolled in the program;

(ii) Transportation for one round trip daily between a student's place of residence and the school;

(iii) Transportation between classes in which the student is enrolled;

(iv) Transportation between a school and the place where work experience for students is being provided;

(v) Transportation of students for field work.

(d) *Equipment, supplies, teaching aids, and other materials.* (1) Funds used for instruction may be expended for the acquisition (by purchase or lease), maintenance, and repair equipment, supplies, and teaching aids (including reference materials and textbooks to be retained by the local educational agency) used by instructional personnel in teaching, or by their students in learning, in an instructional situation such as a classroom, library, laboratory, shop, or field. Such funds may not be used for supplies to be made into equipment or products to be sold, or to be used by students, teachers, or other persons; except that supplies made into equipment for use under the State plan may be regarded as equipment eligible for Federal financial participation to the same extent as purchased equipment.

(2) Funds under the State plan may also be used for the acquisition (by purchase or lease), maintenance, and repair of office or other equipment, consumable supplies, or other materials which are reasonably attributable to programs, services, and activities under the State plan.

(e) *Rental of space.* Funds under the State plan may be used for rental of space (including the cost of utilities and janitorial services) in privately or publicly owned buildings if:

(1) The expenditures for the space are necessary, reasonable, and properly related to the efficient administration of the program;

(2) The State board or local educational agency will receive the benefits of the expenditures during the period of occupancy commensurate with such expenditures;

(3) The amounts paid by the State board or local educational agency are not in excess of comparable rental in a particular locality;

(4) Expenditures represent a current cost to the State board or local educational agency; and

(5) In publicly owned buildings like charges are made to other agencies occupying similar space for similar purposes.

§ 102.135 Allowable expenditures for construction of area vocational education schools.

(a) Funds appropriated under section 102(a) of the Act and allotted to States for the purposes of part B of the Act may be used for the construction of area vocational education schools undertaken by the State board, or by local educational agencies with the approval of the State board in accordance with the requirements of § 102.44. There can be no Federal financial participation in any expenditures for construction of such school facilities prior to the approval of such construction by the State board except expenditures for the acquisition of land pursuant to subparagraph (3) of this paragraph and expenditures for architectural, engineering, and inspection services pursuant to subparagraph (5) of this paragraph. Such funds may be used for expenditures in the following categories:

(1) Erection of new buildings to the extent they will include such school facilities and initial equipment as defined in § 102.3(v)(2)(i);

(2) Acquisition, expansion, alteration, and remodeling (as distinguished from the maintenance and repair) of existing buildings to the extent they will include such school facilities and initial equipment as defined in § 102.3(v)(2)(ii);

(3) Acquisition, within 1 year prior to approval of construction by the State board, of the fee, leasehold, or other interest in land on which there is to be construction of new buildings or expansion of existing buildings;

(4) Site grading and improvement of land on which there is to be construction of new buildings and expansion of existing buildings; and

(5) Architectural, engineering, and inspection services rendered subsequent to the date of site selection.

(b) For the purposes of paragraph (a) of this section, "acquisition" includes all expenses (other than interest and carrying charges on bonds) related to the acquisition of land or school facilities (from sources other than the State board or local educational agency) if such expenses constitute an actual disbursement or transfer of public funds in accordance with usual procedures generally applicable to all State and local agencies and institutions, as provided for in § 102.124.

§ 102.136 Allowable expenditures for vocational education for disadvantaged persons.

Funds appropriated under section 102(b) of the Act and allotted to States for the purpose of section 122(a)(4)(A) of the Act may be applied to expenditures in categories such as those enumerated in § 102.134 that are reasonably attributable to vocational education programs for disadvantaged persons.

§ 102.137 Allowable expenditures for research and training programs.

Funds appropriated under section 102(a) of the Act and allotted to the States for use by State boards for the purposes of part C of the Act may be applied to expenditures in categories such as those enumerated in § 102.134 that are reasonably attributable to the establishment and operation of State research coordination units, and to programs or projects for which grants or contracts as described in § 102.70(a) are made.

§ 102.138 Allowable expenditures for exemplary programs and projects.

Funds appropriated under section 142 of the Act and allotted to States for use by State boards for the purposes of part D of the Act may be applied to expenditures in categories such as those enumerated in §§ 102.134, 102.141, and 102.142(a) that are reasonably attributable to the exemplary programs or projects for which grants or contracts as described in § 102.76(a) are made.

§ 102.139 [Reserved]

§ 102.140 Allowable expenditures for consumer and homemaking education.

Funds appropriated and allotted to States under part F of the Act may be applied to expenditures in categories such as those enumerated in § 102.134 that are reasonably attributable to consumer and homemaking programs, and ancillary services and activities necessary to assure quality in such programs.

§ 102.141 Allowable expenditures for cooperative vocational education.

Funds appropriated and allotted to States under part G of the Act may be applied to expenditures in categories such as the following which are reasonably attributable to cooperative vocational education programs and ancillary services and activities necessary to assure quality in such programs:

(a) Those enumerated in § 102.134;

(b) Reimbursement of employers for necessary added costs incurred by them in providing cooperative work experience to vocational education students as provided for in § 102.100(a); and

(c) Payment of unusual expenses incurred by students as a result of their enrollment in a cooperative vocational education program as provided for in § 102.100(b).

§ 102.142 Allowable expenditures for vocational work-study programs.

Funds appropriated and allotted to States under part H of the Act for work-study programs for vocational education students may be applied to the following categories of expenditures:

(a) Compensation of students employed in work-study programs;

(b) Expenditures in the categories such as those enumerated in § 102.134 reasonably attributable to

(1) Development of those provisions in the State plan applicable to vocational work-study programs pursuant to §§ 102.110 through 102.113 which are incurred before the effective date of such provisions; and

(2) Administration of those provisions in the State plan applicable to work-study programs.

§ 102.143 Allowable expenditures for State planning, administration, and evaluation.

Funds appropriated and paid to States under section 102(c) of the Act may be used for the development and administration of State plans under all parts of the Act pursuant to Subpart C of this part, the activities of State advisory councils pursuant to Subpart B of this part, the evaluation of programs, services, and activities under the State plan pursuant to § 102.36, and dissemination of the results of such evaluations. Such funds may be applied to expenditures in the categories such as those enumerated in § 102.134 which are reasonably attributable to such activities.

§ 102.144 Computation of allowable expenditures.

Allowable expenditures referred to in §§ 102.134 through 102.143 shall be computed in accordance with plans submitted by States and approved by the Department pursuant to Bureau of the Budget Circular No. A-87 and implementing instructions of the Department.

§ 102.145 Allowable expenditures under more than one State allotment.

The availability of funds appropriated and allotted under one part or section of the Act for a particular purpose or for a particular category of expenditures pursuant to §§ 102.134 through 102.143 shall not preclude the use of funds appropriated and allotted under other parts or sections of the Act for the same purpose or category of expenditure: *Provided*, That all of the conditions and requirements applicable to the use of funds appropriated and allotted under all such parts and sections of the Act are met.

§ 102.146 Use of funds for religious worship or instruction.

Funds allotted under the Act shall not be used for the making of any payment for religious worship or instruction, or for the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

§ 102.147 Tuition and fees.

Tuition and fees collected from students enrolled in courses may not be included as part of the Federal or non-Federal share of expenditures under the State plan.

Subpart E—Payments and Reports

§ 102.151 Conditions for payments to States.

Payments to States under the Act will be made only after the Commissioner determines that:

(a) The State has on file in the Office of Education a State plan (including the long-range and annual program plan for the fiscal year of the allotment from which payment is to be made) which was adopted by the State board after consultation with the State advisory council and approved by the Commissioner;

(b) The State has certified to the Commissioner the establishment and membership of a State advisory council pursuant to § 102.21(c); and

(c) Total State and local expenditures for "vocational education" (as defined in § 102.3(aa)) in that State for the preceding fiscal year were not less than total State and local expenditures for vocational education in the second preceding fiscal year. Total State and local expenditures for vocational education in the preceding fiscal year shall not be deemed to be reduced from those in the second preceding fiscal year unless the per-student expenditure for vocational education within the State in the preceding fiscal year is less than that in the second preceding fiscal year by more than 5 percent.

§ 102.152 Withholding of payments.

Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State board, determines on the basis of information available to him that (a) the State plan has been so changed that it no longer complies with any State plan requirements in the Act and the regulations in this part, or (b) in the administration of the State plan, there is a failure to comply substantially with any such requirement, the Commissioner will notify such State board that no further payments will be made to the State until he is satisfied that the State has complied with such requirements. At his discretion, the Commissioner may notify the State board that payment of Federal funds will be limited to support of programs under the State plan or portions of the State plan not affected by the State's failure to comply with such requirements.

§ 102.153 Payment to State advisory council.

Upon his approval of the budget submitted by the State advisory council pursuant to § 102.23(e), the Commissioner will pay to the State board, acting on behalf of the State advisory council as its fiscal agent, the amount requested by the State advisory council in its approved budget: *Provided*, That such amount does not exceed the maximum entitlement of the State advisory council determined pursuant to section 104(c) of the Act and applicable appropriation acts.

§ 102.154 Method of payment.

(a) Payment of Federal funds to States having approved State plans will ordinarily be accomplished through the DHEW-OE letter-of-credit procedures. (See "Instructions to Recipient Organizations for Use of Letter-of-Credit," issued by the Department of Health, Education, and Welfare; "Letter-of-Credit," Supplement No. 1, Revised August 30, 1968, issued by the Office of Education, DHEW, plus supplemental special memos concerning the payment system.) Payment vouchers may be issued by the States as often as necessary to procure cash to meet current disbursement needs only, and under no circumstances in such amounts that will result in the accumulation of large cash balances at either the State or local educational agency levels.

(b) Continued authorization for a State to utilize the letter-of-credit payment method is dependent upon the appropriate use thereof and the furnishing of accurate report data on a timely basis.

§ 102.155 Effect of Federal payments.

(a) *No waiver.* Neither the approval of the State plan, the issuance of a letter or credit, the approval of withdrawals thereunder, nor the making of any direct payments to the State shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of failure of the State to observe any Federal requirements set out in the Act or regulations related thereto or any other relevant Federal Act or order, either before or after such administrative action respecting payment.

(b) *Settlement of accounts.* The final amount to which a State is entitled for any period is determined on the basis of expenditures under the State plan with respect to which Federal financial participation is authorized.

§ 102.156 Transfer of allotments.

(a) Any portion of the amount allotted to any State for any fiscal year from funds appropriated under section 102(a) of the Act for the purposes of part B or part C of the Act which the Commissioner determines will not be required for such purposes for that fiscal year may, upon the approval of the Commissioner pursuant to paragraph (c) of this section, be transferred to or combined with one or more of the other allotments to the State for the same fiscal year under the Act. The amount so transferred is subject to the same conditions and requirements as the allotment to which it is transferred, and is no longer subject to the conditions and requirements as the allotment from which it was transferred. Thus, any reference in this part to "funds allotted under the Act" refers also to transferred funds included as a part of an allotment under the Act.

(b) A State board desiring to transfer funds from its allotment of funds appropriated under section 102(a) of the Act to another allotment under the Act shall submit as part of its annual State plan or amendment thereto a request for such a transfer. Such request shall indicate how the annual plan will be affected by the transfer and will provide information to permit application of the following criteria:

(1) The need for the funds to be transferred is substantially greater for the purpose of the allotment to which the transfer will be made than for the purposes of part B or part C of the Act, as the case may be;

(2) The transfer will permit a use of funds for a purpose or in a manner which would not be permitted under part B or part C of the Act;

(3) The funds to be transferred will be used effectively for the purpose of the allotment to which they are to be transferred; and

(4) The transfer of funds will result in the most effective use of such funds.

(c) The Commissioner will approve the State board's request for transfer of funds if he is satisfied that the transfer will meet the criteria set forth in paragraph (b) of this section; otherwise, he will disapprove such request. Such approval or disapproval will be based on information submitted by the State board with its request pursuant to paragraph (b) of this section, or on any other estimates, reports, and information available to the Commissioner which have been submitted by the State board or obtained by the Commissioner through independent investigation.

§ 102.157 Reallotment.

(a) (1) Any amount of any State's allotment under any part of the Act except part D which the Commissioner determines is not required for carrying out the State's plan under that part and which has not been transferred to another allotment within the State pursuant to § 102.156 will be available for reallotment to other States on such dates as the Commissioner may fix for the purpose for which the amount was originally allotted.

(2) Any amount of any State's allotment under parts B and F of the Act which the State is required by §§ 102.59 and 102.92(c) to expend for a particular purpose (i.e., vocational education for disadvantaged persons, vocational education for handicapped persons, postsecondary vocational education, or consumer and homemaking education in economically depressed and high unemployment areas) and which the Commissioner determines will not be expended for such purpose shall be available for reallotment to other States only for such purpose.

(3) The amount of any reallotment pursuant to subparagraphs (1) and (2) of this paragraph shall be deemed to be part of the State's allotment for such fiscal year. Thus, any reference in this part to "funds allotted under the Act" refers also to reallotted funds included as a part of an allotment under the Act.

(b) Any determination by the Commissioner pursuant to paragraph (a) of this section will be made on the basis of (1) a certified statement submitted by the State affirming that the State does not require the full amount of one or more of its original allotment(s) to carry out its plan, (2) reports and information acquired by the Commissioner either from the State or from independent investigation indicating that the State does not require the full amount of one or more of its original allotment(s), or (3) both. Within a reasonable time prior to the date fixed for reallotment of funds, the Commissioner will notify the State of his determination affecting the State's allotment(s) and either modify the amount certified for payment to the State or, if payment has already been made, direct the State to return to the United States whatever amount the Commissioner determines the State does not need.

(c) Reallotments will be made to other States in proportion to their original allotment for the fiscal year in which the original allotment was made; except that, subject to the provisions in paragraph (d) of this section, such reallotments to such other States will be reduced to the extent which the Commissioner estimates such State needs and will be able to use under its plan without delay for such fiscal year. The total of such reductions will then be reallotted among those States not suffering such a reduction in proportion to their original allotment except to the extent specified in the preceding sentence, and then reallotted as many times as necessary to exhaust such amount. Such estimate by the Commissioner will be made on the basis of (1) the certified statement submitted by the State pursuant to paragraph (b) of this section affirming that the State does not require the full amount of its original allotment to carry out its plan, (2) a request for reallotment by the State and its supporting certified statement indicating the amount of additional funds it needs and will be able to use effectively to carry out its plan, (3) reports and information acquired by the Commissioner either from the State board or from independent investigation, or (4) any or all of the above. Within a reasonable time before the date fixed for reallotment, the Commissioner will notify the State of the amount of reallotted funds (if any) the State shall receive.

(d) Any State which the Commissioner has determined, either on the basis of certified statements from the State or from other reports or information available to him, (1) does not require the full amount of its original allotment to carry out its plan, or (2) does not need or will not be able to use effectively the full amount of its proportionate share of funds to be reallotted, may, on or before the date fixed for reallotment, request that the Commissioner reconsider his determination affecting the original allotment or anticipated reallotment to such State, and submit with its request additional supporting information and data. If the Commissioner's determination is based in whole or in part on certified statements submitted by the State itself, the State may submit to the Commissioner an amendment to such certification on or before the date fixed for reallotment. The Commissioner, in making his reallotment of funds to the States, will take into consideration all such amendments and additional information furnished by the State with its request for reconsideration of the Commissioner's determination. All decisions made by the Commissioner regarding the reallotment of funds are final once reallotment is made.

§ 102.158 Disposition of unexpended Federal funds.

Whenever any portion of any allotment to any State under the Act has not been expended in the State for the purpose provided for in the Act, regulations, and State plan with respect to that allotment, and has not been transferred to another allotment pursuant to § 102.156 or reallotted to other States pursuant to § 102.157 during the fiscal year in which such allotment was made, a sum equal to such portion will be deducted from the next payment of funds allotted to such State for the following fiscal year.

§ 102.159 Annual evaluation report.

(a) The State board shall submit to the Commissioner and the National Advisory Council on or before October 1 of each year an annual evaluation report prepared by the State advisory council pursuant to § 102.23(c) in accordance with procedures established by the Commissioner. This report shall contain (1) the results of the evaluations by the State advisory council of the effectiveness of programs, services, and activities carried out under the State plan in the year under review in meeting the program objectives set forth in the long-range and annual program plans required by §§ 102.33 and 102.34; and (2) such recommended changes in the content and administration of the State's programs, services, and activities as may be deemed by the State advisory council to be warranted by its evaluation results.

(b) The annual evaluation report of the State advisory council may be accompanied by such comments of the State board as it deems appropriate. These comments may include, among other matters, the results of evaluations by the State board, local educational agencies, and other agencies and institutions of programs, services, and activities under the State plan which support, supplement, or differ with the evaluation results of the State advisory council.

§ 102.160 Annual report of program activities.

The State board shall submit on or before October 1 of each year in accordance with procedures established by the Commissioner an annual report concerning the conduct of activities described in the annual plan pursuant to § 102.34(a) and the extent to which these activities carried out the objectives set forth in the long-range program plan pursuant to § 102.34(c) for the preceding fiscal year. The annual report shall also set forth the total receipts and expenditures of Federal funds for that year. This report shall consist of three parts: Fiscal, statistical, and descriptive.

(a) The fiscal report shall show the expenditures of each of the several allotments made to the State under the Act, that the Federal funds expended from each of the allotments in the States have been matched by the non-Federal

share, if any, required for such allotment, that the maintenance-of-effort requirement set forth in § 102.151(c) has been met, and that all other conditions and requirements of the Act of a fiscal nature have been satisfied. All expenditures of non-Federal funds which meet the requirements of the Act, the regulations in this part, and the State plan and eligible for Federal financial participation under the Act shall be included, whether or not such expenditures are required for inclusion in the non-Federal share under any one of the allotments under the Act. Such information shall be compiled and submitted to the Commissioner on forms furnished to the State board by the Commissioner.

(b) The statistical report shall include supporting data with respect to programs, services, and activities under the State plan for which expenditures of funds are reported in the fiscal report. Such data shall be compiled and submitted to the Commissioner on forms furnished to the State board by the Commissioner.

(c) The descriptive report shall be a narrative account of the programs, services, and activities under the State plan for which expenditures of funds are reported in the fiscal report. Such information shall be compiled and submitted to the Commissioner in accordance with such forms and instructions as may be furnished to the State board by the Commissioner.

§ 102.161 Final reports of programs or projects.

The State board shall submit to the Commissioner copies of final reports of programs or projects conducted by grantees or contractors under parts C and D of the Act.

Dated: March 25, 1970.

JAMES E. ALLEN, Jr.,
U.S. Commissioner of Education.

Approved: May 4, 1970.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 70-5682; Filed, May 8, 1970; 8:45 a.m.]